

19.10.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (DB) 3986 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.10.2023 in connection with Simlapal Police Station Case No.15 of 2023 dated 01.02.2023 under Sections 363/365/366 of the Indian Penal Code and subsequently charge sheet submitted under Sections 363/365/366 of the Indian Penal Code and Sections 4/6 of the POCSO Act. (G.R. Case No.86 of 2023)

And

In Re: ***Suman Guli Majhi***

... .. Petitioner

Mr. Rhiddhiman Mukherjee
Mr. Soumava Santra

... .. for the petitioner

Mr. Arkaprabho Roy

... .. for the victim

Mr. Abhra Mukherjee
Mr. Gautam Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that there was a love affair between himself and the victim girl. It is further submitted victim had eloped earlier. Subsequently, she again left her parental home out of her own volition and they married each other. Evidence of the victim has already been recorded. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the victim also opposes the prayer for bail and submits Investigating Agency as well as the medical officers did not cooperate with the victim. She was persuaded not to proceed with the case.
4. We have considered the materials on record. We have also examined the evidence of the victim. Victim stated there was a love affair between the parties and petitioner had married her. During cross-examination, she admitted she had stated before the

Magistrate in the earlier case that she had voluntarily left with the petitioner. Victim has also deposed she was persuaded by police and others to withdraw the case. She is a minor. Be that as it may totality of her evidence gives an impression of free mixing between the parties. Her deposition is on record.

5. Under such circumstances, we are of the opinion though further detention of the accused/petitioner is not necessary, his movement requires to be restricted in order to ensure there is no recurrence of similar offence.
6. Therefore, the accused/petitioner, namely **Suman Guli Majhi**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act, Khatra, Bankura subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Simlapal Police Station and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.
7. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
8. The application for bail, thus, stands allowed.

9. We note the statement of the victim that the police personnel had persuaded her to withdraw the case. We record our displeasure in that regard.
10. Let a copy of the order be sent to the Superintendent of Police, Bankura to take cognizance of the deposition of the victim and initiate appropriate proceedings against the police officials concerned in accordance with law.
11. Department is directed to communicate a copy of this order to the Superintendent of Police, Bankura for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)