

22.01.2024
28
sdas
allowed

CRM(DB) No. 20 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No. 657 of 2022 dated 25.08.2022 under Sections 363/376 of the Indian Penal Code and Section 6 of the POCSO Act and charge-sheet submitted under Sections 363/365/376(3) of the Indian Penal Code and Sections 6/17 of the POCSO Act and Section 67A of the Information Technology Act.

And
In Re : Chhadai Dafadar petitioner

Mr. Sandip Chakraborty
Mr. Sourav Mukherjee
Mr. Kaustav Das
.....for the petitioner

Mr. Ashok Das
.... for the State

Mr. Arnab Chatterjee
..... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for one year and three months. It is also submitted there was a romantic relationship between the parties. There is delay in lodging FIR. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. Learned Counsel for the de facto complainant also opposes the bail prayer.

4. We have considered the materials on record. We have also gone through the evidence of the victim. Victim was about 14 years at the time of occurrence. She had gone to the house of

the petitioner where she was allegedly raped. She claimed objectionable pictures had been taken and she had been blackmailed. This was the reason for delay in lodging FIR. But no objectionable pictures have been placed on record. Vulnerable witness has already been examined. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

5. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under POCSO Act, Krishnagar, Nadia, subject to condition that 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.

6. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)