

**22.02.2024.**  
**21.**  
**Ct.No.28.**  
**as**  
**(Allowed)**

**C.R.M. (DB) 407 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Salanpur P.S. Case No.141 of 2023 dated 06.09.2023 under Sections 323/448 of the Indian Penal Code read with Section 4/6 of the POCSO Act.

In the matter of : **Anirban Das @ Babai.**

.... Petitioner.

Mr. Sourav Chatterjee,  
Mr. Avik Ghatak,  
Mr. Saibal Dasgupta.

...for the Petitioner.

Mr. Joydeep Roy, Id. Jr. Govt. Adv.,  
Mr. S. S. Saha.

...for the State.

Mr. Suman De.

...for the de-facto complainant.

1. Petitioner is in custody for 169 days. He submits there was a romantic relationship between himself and the minor. Her father did not agree with the relationship. He has been falsely implicated. Accordingly, he prays for bail.

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

3. Learned Advocate for the de-facto complainant contends petitioner was caught red handed in the act.

4. We have considered the materials on record. Statement of the minor recorded before Magistrate shows there was a romantic relationship between the parties. Both the parties are young persons and possibility of cohabitation out of love cannot be ruled out.

5. Under such circumstances, we are inclined to grant bail to the petitioner but subject to strict conditions.

6. Accordingly, the petitioner viz., **Anirban Das @ Babai** 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 the POCSO Act-cum-Additional Sessions Judge, 2<sup>nd</sup> Court, Asansol subject to condition that he 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 Salanpur Police Station except for the purpose of court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

7. In the event the 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.

8. This application for bail is, thus, disposed of.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**

