

19.02.2024
Sl. No.49
akd
[ALLOWED]

C. R. M. (DB) 464 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.01.2024 in connection with AJC Bose B. Garden Police Station Case No.249 of 2023 dated 07.11.2023 under Section 506 of the Indian Penal Code read with Sections 6/17/21 of the POCSO Act.

And

In Re: ***Lalu Kumar Roy @ Lalu Rai @ Lalu Kumar Ray @ Lalu Roy***
... .. Petitioner

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee
... .. for the petitioner

Mr. Randhir Singh
Mr. Ranajit Roy
... .. for the de-facto complainant

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Ms. Jonaki Saha
... .. for the State

1. Leave is granted to the learned Advocate-on-record for the petitioner to correct the cause title of the application in course of the day.
2. It is submitted on behalf of the petitioner that there was a romantic relationship between the parties. However, marriage could not fructify due to opposition from the respective families. Subsequently petitioner married another girl. Victim suffered injury in an accident. Belatedly, the case was registered and petitioner is in custody for about 104 days. Accordingly, he prays for bail.
3. Learned Advocate for the State opposes the prayer for bail.
4. Learned Advocate for the de-facto complainant also opposes the prayer for bail and submits petitioner continued the relationship even after he had married another girl.

5. We have considered the materials on record. We have also gone through the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Victim stated she was in love with the petitioner. However, petitioner married another girl. After marriage he met her and explained that he was forced to marriage due to pressure from his parents. The allegation whether the victim had been compelled to go to the *Tilak* ceremony of the petitioner and was assaulted there requires to be assessed in the light of attending circumstances particularly the inordinate delay in lodging FIR. There is no chance of abscondence of the petitioner. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
6. Therefore, the accused/petitioner, namely ***Lalu Kumar Roy @ Lalu Rai @ Lalu Kumar Ray @ Lalu Roy***, 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-cum-Additional Sessions Judge, Sadar Court, Howrah 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.
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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

