

21.03.2024
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 725 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.02.2024 in connection with New Town Police Station Case No.247 of 2023 dated 07.08.2023 under Sections 363/366 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Dipankar Gayen**

... .. Petitioner

Mr. Sandip Chakraborty
Mr. Kaustav Das

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the victim

Mr. Parthapratim Das
Ms. Trina Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that there was a romantic relationship between the parties. It is further submitted petitioner and the victim girl resided together for two years. She did not raise any objection. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and produces the case diary.
3. Learned Advocate for the victim also opposes the prayer for bail and submits she had been kidnapped and forcibly detained for two years. Petitioner is a resident of the same locality and there is apprehension that he would threaten the victim if released on bail.
4. We have considered the materials on record. We have also gone through the statement of the victim. It appears there was a romantic relationship between the parties. Petitioner and the victim stayed together for two years. No contemporaneous complaint was raised by the victim. Under such circumstances, whether the victim was

forcibly kidnapped and detained is to be assessed during trial. There is no chance of abscondence.

5. Accordingly, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions so as to prevent threat perception upon the victim.
6. Therefore, the accused/petitioner, namely ***Dipankar Gayen***, 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, Barasat, North 24-Parganas 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 New Town Police Station and shall report to the Officer-in-charge, Baguihati Police Station once in a week until further orders. He shall not contact the victim directly, indirectly and/or through electronic means 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.)