

20.03.2024
tkm/ct 28
sl no. 41

C.R.M. (DB) 884 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jalangi P.S case no. 283 of 2023 dated 14.9.2023 under sections 363/365/34 IPC adding section 6 of the POCSO Act charge sheet submitted under sections 363/365/420/406/376(3)/506 IPC read with section 6 of the POCSO Act

Allowed In Re : Masum Reja @Mohan and ... petitioner

Mr. R Sengupta for the petitioner
Mr. Bibaswan Bhattacharya for the State

1. Petitioner submits there was a romantic relationship between him and the victim girl. Victim had voluntarily left her residence with the petitioner and gone to Kerala. Thereafter, they came back. Then petitioner has been falsely implicated. Accordingly, he prays for bail.

2. Learned lawyer for the State opposes the bail prayer. He contends victim is a minor.

3. We have considered the materials on record. We have also examined the statement of the victim. In her statement victim stated petitioner had made promise of love and marriage. She had gone with the petitioner to Kerala and had returned together. This gives an impression of a romantic relationship between two young persons. Allegation of forcible rape requires to be assessed in the light of the aforesaid circumstance during trial. There is no chance of abscondence.

4. Under such circumstances we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner 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 Berhampore, Murshidabad, Calcutta on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. 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.

7. The application being CRM (DB) 884 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)