

03.05.2024.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1226 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No.1488 of 2023 dated 11.10.2023 under Section 376 of the Indian Penal Code and adding Section 4 of the POCSO Act.

In the matter of : **Santosh Ghosh.**

.... Petitioner.

Ms. Minoti Gomes.

...for the Petitioner.

Mr. Kunal Ganguly.

...for the State.

Mr. Somnath Adhikary.

...for the de-facto complainant.

1. Petitioner submits there was a romantic relationship between him and the victim. They had married subsequently. He has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocates for the State opposes the bail prayer. Report is placed on record.
3. Learned Advocate for the de-facto complainant submits petitioner is threatening the victim.
4. We have perused the materials on record. Statement of a neighbour shows the parties have married each other. However, the victim is a minor and is alleging that she has been threatened
5. In view of the aforesaid fact, we are of the opinion though further detention may not be necessary, movement of the petitioner requires to be restricted to instill confidence in the mind of the victim and her family members.

6. Accordingly, the petitioner viz., **Santosh Ghosh** 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, Berhampore, Murshidabad 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 Berhampore 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 jurisdictional court and shall meet the Officer-in-charge of the concerned police station within whose jurisdiction he shall reside once in a week until further orders. He shall also not contact the victim directly or through phone or other electronic means of communication.

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.)

