

19.
24-06-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1847 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dubrajpur Police Station Case No.76 of 2024 dated 11-03-2024 under Sections 363/365/376 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act and Sections 9/10 of the Prohibition of Child Marriage Act.

- A n d -

In the matter of : Sandip Das @ Sandy

.... Petitioner.

Mr. Kunal Ganguly

... For the Petitioner.

Mr. Madhusudan Sur, learned APP,
Ms. Shaila Afrin

... For the State.

Mr. Avik Ghatak,
Mr. Fahad Imam

... For the defacto-complainant.

The petitioner says that he is in custody for 103 days. He says that there was a love affair between him and the survivor girl. Investigation is complete. Charge sheet has been submitted. His continued detention is not necessary.

While opposing the prayer for bail, learned advocates for the State and the victim girl draw our attention to the material in the Case Diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. It *prima facie* does appear that there was some kind of a relationship between the petitioner and the victim girl.

The petitioner is 21 years and the victim girl is 17 years 3 months old.

Since investigation is complete and charge sheet has been submitted, we do not see why the petitioner should be kept in detention any further.

Accordingly, we direct that the petitioner, namely, **Sandip Das @ Sandy**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Special Judge under POCSO Act, 2nd Court, Suri, Birbhum. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Dubrajpur Police Station until further orders and shall inform, through his learned advocate, his current address where he will presently reside, to the learned trial Court and the Officer-in-Charge of the jurisdictional Police Station and shall report to the Officer-in-Charge of the said police station once every fortnight until further orders.

In the event the petitioner fails to appear before the trial Court without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1847 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)