

11.07.2024  
Item no.65.  
Court No.28.  
S. De  
(Allowed)

**CRM (DB) No. 1871 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 120 of 2024 dated 22.02.2024 under Section 363/365 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

And

**In the matter of : Chandu Sahanai @ Chandu Sahani.**

**.....Petitioner.**

Mr. Soupal Chatterjee,  
Mr. Anupam Das,  
.....for the Petitioner.

Mr. Arindam Sen,  
Mr. Sayan Dev Kumar,  
.....for the State.

Mr. Anindya Ghosh,  
Mr. Pronojit Roy, ...for the de facto complainant.

Status report filed by the State be kept with the records.

The petitioner, about 27 years old, says that he had a love relationship with the victim girl who is about 17 years old. They have got married. They had consensual physical relationship after marriage. The petitioner is in custody for 130 days. Chargesheet has been filed upon completion of investigation. He prays for bail.

While opposing the prayer for bail, learned advocates for the State and the de facto complainant draw our attention to the material in the case diary including the statement of the

victim girl. The victim girl's statement does not, prima facie, support the prosecution case. Further, the victim girl refused medical examination.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that since the investigation is complete, further custodial detention of the petitioner is not required.

Accordingly, we direct that the petitioner namely **Chandu Sahanai @ Chandu Sahani** 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 Protection of Children from Sexual Offences Act, Chanchal, Malda and on further conditions that he shall remain within the jurisdiction of the concerned police station and on further condition that the petitioner shall not enter the jurisdiction of Harishchandrapur Police Station, Malda, until further orders and he will not leave the State of West Bengal.

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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in

accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**