

04
09-07-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 1913 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Goghat Police Station** Case No. **192 of 2024** dated **19.04.2024** under Sections **376(2)(n)** of the Indian Penal Code and Section 6(1) of the POCSO Act.

- A n d -

In the matter of : Somnath Pal

.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. S. Chatterjee,
Ms. Labani Sikder,

... For the petitioner.

Mr. Binoy Kumar Panda,
Mr. D. Dutta,

... For the State.

Victim has been notified as per the report of the State indicating service of the notice upon the victim. However, none appears to represent the defacto complainant or the victim girl.

The petitioner is in custody for 81 days. The allegation is that the petitioner committed rape on the victim girl who was 16 years of age at that time. The petitioner was about 19 years old.

The petitioner says that he and the victim girl are school friends. They had consensual relationship. He has been falsely implicated. Investigation is complete. He should be enlarged on bail.

Learned Advocate for the State, while opposing the prayer for bail drew our attention to the material in the case diary. We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. Apparently, the victim girl narrated to her parents that she was allegedly raped three months

after the alleged incident when she felt some pain in her stomach. Initially the family had thought she was pregnant. However, medical examination revealed that it was colitis. The examination report also does not indicate any injury on the victim girl.

On an overall assessment of the facts and circumstances of the case and since investigation is complete, we are of the view that further custodial detention of the petitioner may not be necessary.

Accordingly, we direct that the petitioner, namely, **Somnath Pal**, 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, Arambagh, Hooghly and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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.

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.

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

(**Arijit Banerjee, J.)**