

76.
03-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2772 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Baghmundi Police Station Case No.78 of 2024 dated 08-05-2024 under Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Samir Gorai

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Pawan Kumar Gupta,
Mr. Sougata Mitra,
Ms. Soma Chakraborty,
Ms. Sofia Naser

... For the Petitioner.

Mr. Asif Ahmed Siddiqui

... For the State.

Dictated by Arijit Banerjee, J.

Affidavit of Service filed in Court today be kept with the records. In spite of service, nobody appears for the defacto complainant/victim.

The charge is under Section 6 of the Protection of Children from Sexual Offences Act, 2012. The victim girl is just below 18 years of age. The petitioner is about 20 years old.

The petitioner says that there was an affair and a consensual physical relationship between him and the victim girl. Thereafter, the relationship turned aciduous since the petitioner was hesitating regarding her demand of entering into matrimony. Hence, this false complaint.

While opposing the prayer for bail, learned advocate for the State draws 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. It does appear that there was an amorous relationship between the petitioner and the victim girl. The victim girl states that if the petitioner is ready to marry her, she will withdraw the complaint.

In view of the aforesaid and considering that the petitioner has been in custody for more than three months and investigation is complete, in our opinion, further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Samir Gorai**, 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 Additional Sessions Judge, 2nd Court, Purulia cum Special Judge under POCSO Act. The petitioner shall appear before the learned 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 remain within the jurisdiction of local police station and report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in every fortnight, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, 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) 2772 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)