

13.11.2024
tkm/ct 28
sl no. 58

C.R.M. (DB) 3192 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Tehatta P.S case no. 688 of 2023 dated 29.8.2023 under section 342/506/498A/328/307/376/34 IPC read with section 4 of the POCSO Act and sections 9/10 of the Prohibition of Child Marriage Act

Allowed

In Re : Ritwik Biswas @ Hrithik Biswas

And

Mr. S Das Mahapara
Md. G N Imrohi

..... for the petitioner

Mr. Arindam Sen
Mr. Sachit Talukder

..... for the State

Mr. Asraf Mondal
Md. Bani Israil

..... for the de facto complainant

1. Petitioner is in custody for nine months. He submits there was a romantic relationship between the parties and couple had married each other. Subsequently, he has been falsely implicated in an offence of rape. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. Learned lawyer for the de facto complainant submits her client was forcibly raped and thereafter compelled to marry under coercion.
4. We have considered the materials on record including the statement of the victim. In her statement the victim stated she was administered deleterious substance and became unconscious. Thereafter, she was raped. However she did not disclose the incident contemporaneously but continued to interact with the petitioner. Allegation of forcible rape is to be assessed in light of the aforesaid circumstances during trial. Photographs annexed to

the petition give an impression that the marriage took place under congenial conditions. There is no chance of abscondence.

5. Keeping in mind the aforesaid facts we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner 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 POCSO Act Tehatta Nadia on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

8. The application being CRM (DB) 3192 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)