

26.11.2024
Item no. 41.
Court No.29.
AB
(Allowed)

CRM (DB) 3366 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Lalgola Police Station Case No.355 of 2024 Dated 26.04.2024 under Sections 363/323/506/34 of the Indian Penal Code read with Section 4 of the POCSO Act

And

In the matter of : Rahul Sk.

.....Petitioner.

Mr. Mijanul Kabir,
Md. Wasim Akram,
Ms. Luna Khatunfor the Petitioner.

Mr. Sujan Chatterjeefor the State.

Mr. Wasim Shahfor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that there was a love affair between the petitioner and the victim girl. He has been falsely implicated under pressure of the victim girl's family. Subsequently, the two families have come to an understanding. It has been agreed that the petitioner and the victim girl will get married once the victim girl attains majority.
2. Learned Advocate appearing for the defacto complainant supports the petitioner's case. He also says that in due time, the petitioner and the victim girl propose to get married.

3. Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the statement of the victim girl recorded under Section 164 Cr.P.C. He, however, leaves the matter to the discretion of the Court.
4. We see that the investigation is complete. Charge sheet has been filed. The petitioner is in custody for 156 days. Further, there is a proposal of marriage between the petitioner and the victim girl and the two families have come to such an understanding.
5. In view of the aforesaid, we are of the view that further custodial detention of the petitioner is not necessary.
6. Accordingly, we direct that the petitioner, namely **RAHUL SK.** 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 at Lalbagh, Murshidabad, 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.
7. 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.

8. 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.
9. The application for bail is, accordingly, allowed.
10. 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.)