

CRM (DB) 4019 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Jhargram Police Station** Case No. **130 of 2024** dated **08.05.2024** under Sections **366/376(2)(n)** of the Indian Penal Code and Sections 4/6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

- A n d -

In the matter of : Vikash Kumar

.... Petitioner.

Mr. Amanul Islam,
Mr. Sourav Mukherjee,

... For the Petitioner.

Ms. Subhosree Patel,
Mr. S. S. Saha,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Affidavit of service filed in court today be kept with the records.
2. In spite of service none appears for the defacto complainant/victim.
3. The petitioner claims that he has been falsely implicated. He married the victim girl and the victim has also accepted him as her husband. Learned Advocate for the petitioner draws our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. Considering his period of detention, the petitioner claims that his bail prayer should be allowed.
4. Learned Advocate for the State opposes the bail prayer. He says that the victim girl is a minor and as such the consent of such minor girl is not at all material. There are sufficient

incriminating statements and materials against the present petitioner and as such his bail prayer should not be allowed.

5. We have considered the materials on record including the statement of the victim girl. It appears that the victim went willingly with the petitioner. However, as the investigation is complete, we are inclined to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Vikash Kumar**, 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 POCSO Act), Jhargram subject to condition that he shall appear before the trial court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain with the jurisdiction of the concerned Police Station and shall meet the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

7. 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.

8. The application for bail is, accordingly, allowed.

9. 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.)**