

07.087.2019.
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as
(Allowed)

C.R.M. 7127 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.08.2019 in connection with Sessions Case No.(POCSO) 54 of 2009 Women P.S. Case No.55 of 2019 dated 28.05.2019 under Sections 4 of the POCSO Act read with Section 341/493/376(2)/506 of the Indian Penal Code and charge sheet submitted under Section 341/493/376(2)(n)/506 of the Indian Penal Code.

In the matter of : Subrata Sarkar.

.... Petitioner.

Ms. Jeenia Rudra.

...for the Petitioner.

Mr. Rana Mukherjee,
Ms. Sujata Das.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that there was a love affair between the parties and he has been falsely implicated in the instant case. It is also submitted that he is in custody for about 70 days.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the victim was a minor.

Having considered the materials on record and bearing in mind the nature of allegations including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and

bearing in mind the period of detention already suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely, Subrata Sarkar 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 Chief Judicial Magistrate, Jalpaiguri subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application, being C.R.M.7127 of 2019, is disposed of.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)