

14.12.2020
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Sdas
allowed

**CRM 2686 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habibpur Police Station Case No. 297 of 2019 dated 03.09.2019 under Section 506 of the Indian Penal Code and under Section 4 of the POCSO Act.

And

In Re : Sujay Biswas..... petitioner

Mr. Musharraf Alam Sk

.....for the petitioner

Mr. Binoy Kumar Panda

Ms. Puspita Saha

..... for the State

Learned Counsel appearing for the petitioner submits that there was a love affair between the parties. The petitioner is in custody for more than one year.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the minor was blackmailed and raped.

Genuineness of the allegation of rape may be assessed in the light of the submission on behalf of the parties that there was a love affair between the parties. No electronic records have been seized in the course of investigation.

In view of the aforesaid facts and the protracted period of detention suffered by the petitioner, we are inclined in granting bail to him.

Accordingly, we direct that the petitioner 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, Malda subject to the condition that 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 in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)