

08.09.2020
SL No. 7
sdas

CRM 5837 of 2020
With
CRAN 1 of 2020(old no. CRAN 4251 of 2020)
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malbazar Police Station Case No. 83 of 2019 dated 18.03.2019 under Section 6 of the POCSO Act.

And

In Re : Hirul Oraon petitioner

Mr. Biswarup Rai

.....for the petitioner

Mr. N. Ahmed, learned A.P.P.

....for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Accordingly, application being CRAN 1 of 2020 (old no. CRAN 4251 of 2020) is disposed of.

Petitioner is in custody for 554 days.

Learned Counsel appearing for the petitioner submits that there is a love affair between the parties.

Learned Counsel for the State opposes the prayer for bail and submits that the victim is a minor and had become pregnant. Charges had already been framed.

Having considered the materials on record in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner that there was a love affair between the parties and as

there is little possibility of the trial concluding in the near future, we are inclined in granting bail to the petitioner.

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, Jalpaiguri, 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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

Learned appropriate trial court as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)