

08.09.2020
Sl. No.31
akd
[ALLOWED]

C. R. M. 6060 of 2020 *[via video conferencing]*
CRAN 1 of 2020 *[Old No. CRAN 4518/2020]*

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.08.2020 in connection with Bhadreswar Police Station Case No. 24 of 2020 dated 21.01.2020 under Sections 376/363 of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In Re: ***Md. Ismail***

... .. Petitioner
Mr. Arunava Ganguly .. Advocate
... .. for the petitioner

Mr. Binay Panda .. Advocate
Mrs. Puspita Saha .. Advocate
... .. for the State

Petitioners undertake 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.

The application being CRAN 1 of 2020 (Old No. CRAN 4518 of 2020) is accordingly, disposed of.

It is submitted on behalf of the petitioner that he is in custody for about 240 days. It is further submitted that the victim has already recovered and charge-sheet has been filed.

Learned advocate appearing for the State opposes the prayer for bail.

Having considered the materials on record and bearing in mind the facts and circumstances of the case in the light of the submission that the victim has already been recovered and as investigation is complete, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Md. Ismail**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chandannagore, Hooghly subject to condition that the said 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)