

06.10.2020
S.D.
sl no. 14.

C.R.M. 6100 of 2020
CRAN 1 of 2020 (Old CRAN 4581 of 2020)
(via video conference)

In Re : An application for anticipatory bail under section 439 of the Code of Criminal Procedure in connection with Banarhat P.S case no. 132 of 2020 dated 02.07.2020 under section 363/376 of the Indian Penal Code read with Section 4 of POCSO Act.

And

Bail In re : Kabirul Hossain @ Rahulpetitioner. .

Mr. Joydip Kanta Bhowmik
..... for the petitioner.

Ms. Aditi Sankar Chakraborty, APP.,
Mr. Sourav Ganguly
..... 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, the application being CRAN 1 of 2020 (Old CRAN 4581 of 2020) is disposed of.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner is having love relationship with the victim. It is submitted that the allegations are false and having regard to the fact that charge sheet had already been filed, the petitioner may be released on bail.

Learned counsel appearing on behalf of the State, however, opposes the prayer for bail. It is submitted that the statement under Section 164 of the Cr.P.C. directly implicates the petitioner.

We have considered the case dairy as well as the medical report. Considering the medical report which does not prima facie show any injury on the private part of the victim and considering the fact that charge sheet had already been filed, we feel that there is no requirement to detain the petitioner further in prison.

In such circumstances, the prayer for bail is granted.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of learned Additional Sessions Judge/2nd Court, Jalpaiguri and on further condition that the petitioner shall not enter the jurisdiction of Banarhat Police Station until further orders except for attending the Court proceeding and shall provide the address where the petitioner shall presently reside to the Investigating Officer as well as the Court below.

The application being CRM 6100 of 2020 is disposed of.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)