

September 10, 2020
ARDR
Allowed

CRM 6395 of 2020 + CRAN 1 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station case no. **66** of **2020** dated **25/01/2020** under Sections **363/365/368/342/376(2) (n)** of the Indian Penal Code and Section **4** of the Protection of Children from Sexual Offences Act, 2012.

In Re : Ariful Islam,

... petitioner

Ms. Sujata Das,

.....for the petitioner

Mr. Bidyut Kumar Roy,

Ms. Rita Dutta,

....for the State

The 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 being CRAN 1 of 2020 is disposed of.

Learned counsel appearing for the petitioner submits that the petitioner is in custody for 197 days. It is also submitted that there was a love affairs between the parties. .

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

Having considered the material on record and keeping in mind the facts and circumstances of the case in the light of the aforesaid submission made on behalf of the petitioner and the period of detention suffered by him i.e. 197 days, we are inclined to grant 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, one of whom must be local, to the satisfaction of the learned Judge, Special Court, under POCSO Act, Chanchal, Malda on 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 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 is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)