

18.09.2020.

Item No. 8

(Allowed)

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(Via Video Conference)

C.R.M. 6728 of 2020

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I.A. No. C.R.A.N. 1 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Dubrajpur P.S. Case No. 07 dated 08.01.2020 under Sections 363/120B and added Section 365 of the Indian Penal Code and Section 3/4 of the Protection of Children from Sexual Offences Act (G. R. Case No. 14 of 2020);

And

In the matter of : **Basu Dome @ Basudeb Dome.**

... petitioner.

Mr. Saryati Datta.

...For the petitioner.

Mr. Swapan Banerjee,

Mr. Narayan Prasad Agarwala.

...For the State.

The learned Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency, the application is taken up for hearing through Video Conference.

Accordingly, the interlocutory application being IA No. CRAN 1 of 2020 is disposed of.

The learned Advocate for the petitioner submits that the petitioner is in custody for 214 days and the Investigating Agency has already completed its investigation and submitted the charge-sheet. He further submits that in view of the present circumstances, the petitioner may be enlarged on bail.

The learned Advocate for the State opposes the prayer for bail and draws the attention of this Court to the statement under Section 164 of the Code of Criminal

Procedure and leaves the same for the appreciation of the Court.

We have perused the statement under Section 164 of the Code of Criminal Procedure, which was made by the victim before the learned Judicial Magistrate and we have also taken into account the age of the victim is 17 years 9 months and 15 days (although no documentary evidence could be collected by the Investigating Agency).

Having considered the age of the victim girl, which is nearing 18 years and her statement under Section 164 of the Code of Criminal Procedure before the learned Judicial Magistrate, we are of the opinion that the petitioner is entitled to be released on bail.

Accordingly, the petitioner, namely, **Basu Dome @ Basudeb Dome**, 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 Special Judge, 2nd Court, Suri, Birbhum, subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing and in case he fails to do so, without any sufficient cause, the trial court is at liberty to cancel his bail without further reference to this Court.

The application for bail being CRM 6728 of 2020 is **allowed**.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)