

25.9.2020

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Ct-16
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C.R.M. 6810 of 2020

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnab Nagar P.S Case No. 322 of 2020 dated 25.06.2020 under Section 6 of the Prevention of Children from Sexual Offences Act.

And

In the matter of: Debasish Mandal@ Rahul

...Petitioner.

Mr. Jakir Hossain ... For the Petitioner

Mr. S.G Mukherjee

Ms. Faria Hossain ... For the State

The petitioner undertakes to appropriately affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that though the victim girl may have, technically, been a minor, the relationship between the parties was consensual and even the survivor's statement would reveal the same.

The State refers to the statement of the survivor recorded under Section 164 of the Code.

It appears that the survivor visited the petitioner's place at the invitation of the petitioner, but on her own accord.

Considering the circumstances, the petitioner's continued detention may not be necessary as long as the petitioner does not enter any place within the jurisdiction of Baishnab Nagar police station or make any contact with the survivor till the trial is completed.

Subject to the above, the petitioner will be enlarged on bail upon furnishing security of Rs.10,000/-, with two sureties of like amount, one of whom must be local, to the satisfaction of the appropriate Court in Malda. The petitioner will also attend every date fixed for trial and any unexplained absence will entitle the trial Court to cancel the bail without reference to this Court.

CRM 6810 of 2020 along with the interim application therein are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)