

28.09.2020

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**CRM 6995 of 2020
IA No. CRAN/1/2020
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dumdum P.S. Case No.283 of 2017 dated 01.04.2017 under Sections 376(2)(i) of the Indian Penal Code and Sections 4 /6/8 of the POCSO Act.

And

In the matter of: Mahesh Singh @ Mohesh Singh @ Kiron @ Kiran
.....Petitioner.

Mr. Koustav Bagchi
...for the Petitioner.

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen
...for the State.

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

The application being IA No. CRAN/1/2020 is disposed of.

The petitioner is in custody for 1277 days and there was a love affair between the parties. It is further submitted that there is delay in lodging of FIR.

Learned lawyer for the State opposes the prayer for bail.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission of the petitioner particularly with regard to delay in lodging FIR till the victim had become pregnant and in view of the protracted period of detention

suffered by him, we are inclined to grant bail to the petitioner subject to strict conditions.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a 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 Special Judge, POCSO Act, Barrackpore, North 24 Parganas subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of Dumdum P.S. until further orders except for the purposes of attending court proceedings and shall report to the Officer in charge of the concerned P.S. within whose jurisdiction he shall presently reside once in a week until further orders.

In the event the petitioner fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

CRM 6995 of 2020 is disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)