

25.9.2020

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**C.R.M. 7157 of 2020
with
CRAN 1 of 2020**

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Md. Bazar P.S Case No. 120 of 2019 dated 14.5.2019 under Sections 363/366/506/120B of the Indian Penal Code adding Section 4/6 Protection of Children from Sexual Offences Act.

And

In the matter of: Bappa Chakraborty

...Petitioner.

Mr. Sanjib Kumar Dan
Mr. Saryati Datta ... For the Petitioner

Ms. Faria Hossain
Ms. Baisali Basu ... 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 says that there was a consensual relationship between the petitioner and the alleged survivor and it was the petitioner's understanding that the alleged survivor was not a minor.

The State produces the statement of the survivor, wherein she claims to be 16 years old. However, the statement does not refer to any forcible act being committed by the petitioner herein.

Considering the circumstances, the further custodial detention of the petitioner may not be necessary. However, the petitioner should not make any contact with the survivor till the trial is completed.

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 Birbhum. 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 7157 of 2020 along with interim application therein are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)