

CRM 7514 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 Tehatta P.S. Case No. 303 of 2020 dated 24.07.2020 under Sections 342/376(2)(1) of the Indian Penal Code.

In the matter of : **Panchu Das**

..... petitioner

Mr. Asraf Mandal

....For the petitioner

Mr. Saibal Bapuli, A.P.P.
Ms. Sayanti Santra

.....For the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours 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 the petitioner had a relationship with the alleged survivor and the complaint has been prompted upon the physical relationship being discovered.

The State says that the survivor is mentally challenged, though she can, at times, make coherent statements. The survivor's statement recorded under Section 164 of the Code appears clear enough that she may have been violated and she did not consent to such act. The survivor appears also to have signed the statement.

Though the charge-sheet has been filed, considering the statement of the survivor, the petitioner cannot be let loose now

after a couple of months in custody, particularly considering the petitioner's possible involvement in the commission of offence.

The prayer for bail is declined and CRM. 7514 of 2020 and CRAN 1 of 2020 are disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)