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CRM 7597 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra P.S. Case No.366 of 2020 dated 03.08.2020 under Section 6 of the POCSO Act.

And

In the matter of: Gourab Das

....Petitioner.

Ms. Sanghita Chatterjee

...for the Petitioner.

Mr. Prasun Kr. Datta

Mr. Nirupam Dhali

...for the State.

Mr. Bhaskar Chakraborty

...for the de facto complainant.

Petitioner is in custody for 75 days.

Petitioner submits that he has been falsely implicated in the instant case. No case of forcible rape has been made out.

Learned lawyer for the State opposes the prayer and submits that the minor who was ravished had been allured on the pretext of viewing an on-line channel.

Having considered the materials on record including the statement recorded under Section 164 of the Criminal Procedure Code of the victim girl and keeping in mind the facts and circumstances of the case, we are of the view that the allegation of forcible sexual intercourse may be assessed at the appropriate stage of the proceeding in accordance with law. Hence, we are inclined to grant bail to the petitioner.

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 ACJM, Barasat, North 24 Parganas subject to condition that the petitioners 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.

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 7597 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.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)