

17.11.2020
SL No.35
Court No.12
Jks & sb
(Allowed)

CRM 7820 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Krishnaganj** P.S. Case No.**121/2020** dated **16/06/2020** under Sections **363/365/376/34** of the Indian Penal Code and Section 6 of the POCSO Act.

And

In the matter of: **Tanmoy Biswas @ Tonoy.**

....Petitioner.

Mr. Prabir Majumder

...for the Petitioner.

Mr. Saibal Bapuli

Ms. Sayanti Santra

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned counsel appearing for the petitioner submits that out of love relationship the victim girl stayed with the petitioner on her own volition.

Learned counsel appearing for the State opposes the prayer for bail of the petitioner.

It is submitted that statement of the victim girl recorded under Section 164 of the Cr.P.C. read with medical examination report clearly shows that the victim was ravished by the petitioner.

Considering the materials available in the case diary and on careful examination of the statement of the victim girl with the medical report and the nature and extent of complicity in the

commission of offence as well as the length of detention of the petitioner, we are of the opinion that further detention of the petitioner is not required. Moreover, charge-sheet has already been filed.

Under such circumstances, 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/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, 2nd Court, Krishnagar, Nadia and to comply with the provision of Section 437(3) of the Code of Criminal Procedure and shall appear before the learned trial court on each date of hearing. In addition to that the petitioner shall not enter the jurisdiction of the Krishnaganj police station except for the purpose of attending the Court as and when required.

In the event the petitioner fails to comply with the conditions as enshrined hereinabove, it is open to the trial court to cancel the bail without any further reference to this Court and the petitioner shall be taken into custody.

Accordingly, the application for bail being CRM 7820 of 2020 is allowed and disposed of.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)