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CRM 8431 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baranagar P.S. Case No.311 of 2020 being Special POCSO case No.57 of 2020 dated 06.08.2020 under Sections 363/365 of the Indian Penal Code read with Section 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act.

And

In the matter of: Arijit Naskar @ Nandu

....Petitioner.

Mr. Robiul Islam

...for the Petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

...for the State.

It is submitted on behalf of the petitioner that there was love affair between the parties and he is in custody for 76 days.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission there was a love affair between the parties and in the light of the period of detention suffered by the petitioner, we are of the opinion that petitioner may be granted bail.

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, under POCSO Act, Barrackpore 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.

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

(Abhijit Gangopadhyay, J.)

(Joymalya Bagchi, J.)