

113 21.10.2020
rkd Ct. no.03
(Allowed)

C.R.M. 8494 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Rahara** P.S. Case No. **66 of 2020** dated **04/08/2020** under Sections **6** of the POCSO Act and under Sections **376(3)** of the Indian Penal Code.

And

In the matter of: Debabrata Debnath @ Puchi

....petitioner.

Mr. A. Bhattacharya

...for the petitioner.

Mr. S. Roy

...for the State.

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

Petitioner is in custody for 70 days. It is further submitted that there was a love affair between the parties.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that the minor victim was forcibly raped.

Having considered the materials in the case diary and bearing in mind the nature of allegations in the light of the submission made on behalf of the petitioner relating to love affair between the parties, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner is directed to 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 Judge, Special Court under POCSO Act at Barracpore, North 24 Parganas subject to the condition that during bail he shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Abhijit Gangopadhyay, J.)

(Joymalya Bagchi, J.)