

18.11.2020

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C.R.M. 8566 of 2020

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khargram P.S Case No. 164 of 2020 dated 09.6.2020 under Sections 363/365/34 of the Indian Penal Code and adding Sections 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.

And

In the matter of: Samrat Dalui

...Petitioner.

Mr. Manas Kumar Das ... For the Petitioner

Ms. Faria Hossain

Ms. Baisali Basu ... For the State

The petitioner undertakes to appropriately affirm and stamp the petition as per the Rules within one week 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 survivor and the survivor's statement would corroborate the petitioner's assertion.

The State says that the survivor was aged about 16 years nine months at the time of incident. The statement of the survivor is clear and categorical. She accompanied the petitioner. She had sex with the petitioner and she returned to her paternal home.

Considering such material, the further detention of the petitioner may not be necessary. However, the petitioner will not attempt to contact the survivor till the conclusion of the trial.

The petitioner will be enlarged on bail upon furnishing security of Rs.10,000/-, with two sureties of like amount, one of whom must be local, to the satisfaction of the appropriate Court in Murshidabad. The petitioner will also attend every date fixed for trial and any unexplained absence will entitle the trial Court to cancel the bail without reference to this Court.

CRM 8566 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)