

10-11-2020
Subrata/Rajib
item no.17
bail granted

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 8805 of 2020
Rahul Shaw
-vs-
The State of West Bengal

In Re: Application under section 439 CrPC in connection with POCSO Case No. 58 of 2020 arising out of Baranagar P.S. Case No.323 of 2020 dated August 10, 2020 under sections 10/12 of the Protection of Children from Sexual Offences Act read with section 354/506 IPC.

Mr. Partha Sarathi Maitra ...for the petitioner

Mr. Goutam Wilson
Mr. N.P. Agarwal ... for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours 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 he had relationship with the survivor and the complaint has been lodged upon the relationship going sour.

The State refers to the statement of the survivor recorded under section 164 of the Code. According to the State, the survivor was 17 years old when the incident took place.

The petitioner says that the survivor is now a major.

According to the statement, it is evident that the survivor was acquainted with the petitioner. The statement of the survivor is no impediment to the petitioner being granted bail, except that there is a clear threat recorded therein made by the petitioner to the survivor that he would throw acid on the survivor.

The petitioner will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees ten thousand) with two sureties of like amount

each, one of whom must be local, to the satisfaction of the appropriate court in North 24 Parganas. The petitioner will attend every date fixed for trial and any unexplained absence would entitle the trial court to cancel the petitioner's bail without reference to this court.

The petitioner will not attempt to make any contact with the victim. It is also made clear that if the slightest of hurt is caused to the victim, even in a road accident, an adverse inference may be drawn against the petitioner herein.

CRM No.8805 of 2020 is disposed of.

[Arijit Banerjee, J]

[Sanjib Banerjee, J]