

02.12.2020
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allowed

**CRM 8857 of 2020
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Eco Park Police Station Case No. 122 of 2020 dated 20.07.2020 under Sections 376/506 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Bibhash Mondal alias Bibhas petitioner

Mr. Pabitra Talukder

.....for the petitioner

Mr. P. K. Datta, learned A.P.P.

Mr. Santanu Deb Roy

..... for the State

Having considered the materials on record and bearing in mind the facts and circumstances of the case in the light of the submission that there is protracted delay in lodging F.I.R. and as the explanation with regard to delay is not corroborated by seizure of any illicit electronic record, we are inclined in granting 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 Judge, Special Court under POCSO Act, North 24-Parganas, subject to the condition that the petitioner 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 fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)