

01.12.2020

Item No. 29

Sdas

Allowed

C.R.M. 9189 of 2020
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balagarh Police Station Case No. 114 of 2020 dated 19.08.2020 under Sections 363/365 of the Indian Penal Code and subsequently charge-sheet vide no. 127 of 2020 dated 09.10.2020 submitted under Sections 363/365 of the Indian Penal Code and adding Section 376(2)(n) of the Indian Penal Code and under Section 6 of the POCSO Act.

And

In Re : Prashanta Bag alias Prosanta Bag petitioner

Mr. Suman Chakraborty
.....for the petitioner

Mr. Arijit Ganguly
Mr. Sanjib Kumár Dan
....for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for 104 days. It is also submitted that there was a love affair between the parties.

Learned Counsel for the State opposes the prayer for bail and submits that victim is a minor girl.

Having considered the materials on record and keeping in mind the facts and circumstances of the case particularly the statement of the victim which appears to be exonerative, 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, Hooghly, subject to the conditions that 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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)