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CRM 9198 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No.376 of 2020 dated 21.08.2020 under Sections 448,323 of the Indian Penal Code & 08/12 of Protection of Children from Sexual Offences Act.

And

In the matter of: **Biswanth Biswas @ Bisu**

....Petitioner.

Mr. Ankit Agarwala,
Mr. Subir Debnath

...for the Petitioner.

Mr. Saibal Bapuli
Ms. Sayanti Santra

...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.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the brother-in-law of the de facto complainant. Admittedly, there is a prior family dispute between the parties. The petitioner is in custody for about 102 days.

Learned counsel appearing on behalf of the State opposes the prayer for bail. He submits that a prima facie case is made out against the petitioner. He further submits that charge sheet has already been filed in this case.

Although the statement of the victim girl recorded under section 164 of the Code refers to an indecent assault that preceded the physical assault by the petitioner, in the injury report the victim girl has not stated anything about such sexual assault.

Considering the nature of allegations, the existence of prior dispute between the parties and the length of custody already suffered by the petitioner, the application for bail is allowed.

The petitioner shall be released on bail on furnishing a bond of Rs.10,000/- (rupees ten thousand) with two sureties of equal amount, one of whom must be local subject to the satisfaction of the learned Chief Judicial Magistrate, Ranaghat, on condition that the petitioner shall stay outside the jurisdiction of the Santipur Police Station. The petitioner shall not enter the jurisdiction of Santipur Police Station except for attending the Court or meeting the Investigating Officer.

CRM 9198 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance of all formalities.

(Jay Sengupta, J.)