

16.02.2020
SL No.18
Saswata

CRM 9236 of 2020

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Namkhana** P.S. Case No. **47/2020** dated **04.05.2020** under Sections **363/365** of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In the matter of: **Balaram Pradhan**

....Petitioner.

Mr. Sandip Kr. Mondal

...for the

Petitioner.

Md. Anwar Hossain

Ms. Shreyashee Biswas

...for the State.

There was a love affair between the parties. The petitioner is in custody for more than 8 months.

Learned lawyer for the State submits that the victim is a minor and was forcibly abducted and raped.

The allegation of forcible kidnapping and rape may be assessed in the light of the aforesaid submission with regard to love affair between the parties.

It is submitted on behalf of the petitioner that there was a free mixing between the parties. In view of the facts and circumstances of the case and the period of detention suffered by the petitioner, we are inclined to grant him bail.

Let the petitioner 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 under POCSO Act, Kakdwip, South 24 Parganas subject to the condition that during bail the petitioner shall appear before the

learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever. In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)