

16.12.2020.
35.
as
(Allowed)

C.R.M. 9364 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burwan P. S. Case No.232 of 2020 dated 12.08.2020 under Sections 363/365/34 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Rupak Mukherjee @ Santanu Mukherjee.
.... Petitioner.

Ms. Minoti Gomes,
Md. Hafiz Ali,
Sk. Jalaluddin.

...for the Petitioner.

Ms. Sukanya Bhattacharyya,
Md. Kutubuddin.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

C.R.M.10698 of 2020 pertains to the same case. Hence, both the applications heard together.

Statement of the victim discloses amorous relationship between the parties.

In view of the aforesaid nature of statement and the period of detention suffered i.e. 108 days, we are inclined to grant bail to the petitioner.

Accordingly, 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, Kandi, Murshidabad subject to condition that the petitioner shall appear before the trial court on every date of hearing until

further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any 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, being C.R.M. 9364 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)