

27.11.2020
SL No.2
pk

CRM 9421 of 2020

(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar Police Station Case No. 324 of 2020 dated 19.09.2020 under Sections 376/313/34 of the Indian Penal Code and Section 4 of the POCSO.

And

In the matter of: **Kush Paul**

....Petitioner.

Ms. Bushra Khatoon

...for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P. P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy

...for the State.

Learned counsel appearing on behalf of the petitioner submits that there is a long pending family dispute between the parties. Out of that, present case has been filed by the family member. Though it is evident on record that the statement under Section 164 of the Code of Criminal Procedure the victim girl says that nothing was happened. Therefore, the petitioner should be released on bail.

Counsel for the State opposes the prayer for bail. She produces the case diary and draws the Court attention to the medical report as well as the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

Considering the materials against the petitioner available on record as well as the statement of the victim girl and the medical report, we are inclined to grant 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 (POCSO), Raiganj, Uttar Dinajpur and on condition that during bail, the petitioner shall meet the investigating officer of the case once in a week.

The application for bail being CRM 9421 of 2020 is allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Samapti Chatterjee, J.)

(Kausik Chanda, J.)