

02.12.2020

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Allowed

**C.R.M. 9463 of 2020
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sitai Police Station Case No. 03 of 2020 dated 06.01.2020 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Bijay Patra @ Saddam Jamader petitioner

Mr. Sudip Guha

.....for the petitioner

Mr. Aditi Sankar Chakraborty

....for the State

Petitioner is in custody for 324 days.

Learned Counsel appearing for the petitioner submits that there was a love affair between the parties.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioner is a married person and dishonestly induced the minor victim to cohabit with him.

Having considered the materials on record and keeping in mind the facts and circumstances of the case and the period of detention suffered by the petitioner, we are of the opinion that further detention is not necessary in the facts of the case.

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, Cooch Behar, subject to the condition 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.)