

24.12.2020
Court No.28
SL No.41
AP

CRM 9657 of 2020

With

CRAN 1 of 2020

(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Ashoknagar** P.S. Case No.**577/20** dated **20.08.2020** corresponding to SPL 78/20 under Sections **363/120B/376** of the Indian Penal Code and Section **4** of the POCSO Act.

And

In the matter of: **Isadul Mondal @ Asraful**

....Petitioner.

Mr. Parthapratim Das

... for the Petitioner.

Mr. P.K. Dutta,

Mr. P.K. Ganguly

...for the State.

It is submitted on behalf of the petitioner that there was a love affair between teenagers and the petitioner is in custody for about 120 days.

Learned lawyer for the State opposes the prayer for bail and produces the case diary.

We have considered the materials on record including the statement of the victim girl. Allegation of forcible rape may be assessed in the light of the aforesaid submission on behalf of the petitioner at the appropriate stage of the proceedings in accordance with law. In view of the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Let the petitioner be released on bail upon furnishing a Bond of Rs.10,000/-(Rupees Ten Thousand Only), 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, Barasat, North 24-Parganas subject to the condition that while on 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.

Hence, the application for bail (CRM 9657 of 2020) and the connected application (CRAN 1 of 2020) are disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)