

17.12.2020.
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as
(Allowed)

C.R.M. 9757 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mal P. S. Case No.159 of 2019 dated 12.05.2019 under Sections 376(2)(i)/323/34 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Ritwik Roy @ Hrittik Roy @ Hrittik Ahikary.
.... Petitioner.

Mr. Hillol Saha Podder.
...for the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Sagnik Shankar Sikdar.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that there was a love affair between the parties. He has been falsely implicated in the instant case. There is no progress in the matter since the last rejection of bail by this Court in December, 2019.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the victim is a minor.

Allegation of rape is required to be assessed in the light of the submission made on behalf of the petitioner. There was a continuing amorous relationship between the parties.

In view of the aforesaid fact including the period of detention suffered by the petitioner and as there is hardly any

progress in the trial since the last rejection of bail by this Court, 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 the POCSO Act, Malbazar, Jalpaiguri, 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. 9757 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)