

17.12.2020.
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as
(Allowed)

C.R.M. 9771 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dinhata P. S. Case No.197 of 2019 dated 14.07.2019 under Sections 376(2)(f)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Fajlul Hoque Dafader.

.... Petitioner.

Mrs. Sonali Das.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that he is in custody for over 490 days. It is submitted that the allegation for forcible rape is out and out false.

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

We have considered the materials on record including the statement of the victim girl. Although she alleges physical injury owing to forcible rape, no such injury is noted in the medical report.

Under such circumstances including the period of detention suffered by the petitioner and as there is no possibility of trial concluding in the near future, 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, Ranaghat, Nadia 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. 9771 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)