

17.12.2020
Sl. No.38
akd
[ALLOWED]

C. R. M. 9796 of 2020

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.11.2020 in connection with Krishnanagar Women Police Station Case No. 56 of 2020 dated 18.09.2020 under Sections 376(3)/448/417/506 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Mithun Halder***

... .. Petitioner

Mr. Arindam Jana .. Advocate

Mr. Sumanta Das .. Advocate

... .. for the petitioner

Mr. Anirban Banerjee .. Advocate

... .. for the de-facto complainant

Mr. Rana Mukherjee .. Advocate

Mr. Santanu Chatterjee .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 67 days. It is further submitted that there was love affair between the parties and the petitioner has been falsely implicated in the instant case as he refused to marry the victim girl.

Learned advocate appearing for the State opposes the prayer for bail.

Allegation of rape may be assessed in the light of the aforesaid submission made on behalf of the petitioner. In view of the facts and circumstances of the case including the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Mithun Halder***, 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 the POCSO Act, Krishnanagar, Nadia subject to condition that the said 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)