

17.12.2020
Sl. No.48
akd
[ALLOWED]

C. R. M. 9825 of 2020

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.11.2020 in connection with Gobardanga Police Station Case No. 22 of 2019 dated 27.02.2019 under Sections 363/365 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: ***Prithiraj Debnath***

... .. Petitioner

Mr. Debajyoti Deb .. Advocate

Mr. Pabitra Biswas .. Advocate

... .. for the petitioner

Mr. Arijit Ganguly .. Advocate

Mr. Sanjib Kumar Dan .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 280 days.

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

Allegations of rape may be assessed in the light of the submission that there was a love affair between young persons. In view of the aforesaid fact and bearing in mind the period of detention suffered by the petitioner and as investigation is complete, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Prithiraj Debnath***, 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, Barasat, North 24-Parganas 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.)