

51 17.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 9876 of 2020
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Matigara** P.S. Case No. **573 of 2020** dated **21/06/2020** under Sections **417/313** of the Indian Penal Code and under Section **6** of the POCSO Act.

And

In the matter of: Md. Sultan

....petitioner.

Ms. M. Dutta

...for the petitioner.

Mr. N. Chakraborty,
Mr. B. Roy

...for the State.

Petitioner is in custody for 176 days. It is further submitted on behalf of the petitioner that there was a love affair between the parties.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that the victim is a minor.

We have considered the materials on record. Allegation of rape may be assessed in the light of the submission that there was a love affair between the parties and in view of the facts and circumstances of the case, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner is directed to 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 POCSO Act, Siliguri, Darjeeling subject to the condition that during bail he shall appear before the learned trial court regularly till

disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

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.

The application for bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)