

08.12.2020.

5.

as

(Allowed)

C.R.M. 9964 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur P. S. Case No.498 of 2019 dated 31.07.2019 under Sections 363/366 of the Indian Penal Code read with Section 4 of the POCSO Act.

In the matter of : Rashid Alam.

.... Petitioner.

Mr. Sandipan Ganguly,
Mr. Arup Sarkar.

...for the Petitioner.

Md. Anwar Hossain,
Ms. Ratna Ghosh.

...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. They had eloped.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the victim was taken to Haryana and deserted.

We have considered the materials on record. Although the statement under Section 164 of the Code of Criminal Procedure of the victim speaks of forcible intercourse, it is relevant to note that she had refused medical examination at the initial stages of investigation.

In the aforesaid facts and circumstance of the case and the period of detention suffered by the petitioner i.e. 88 days

and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner, viz., Rashid Alam 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 Chief Judicial Magistrate, Malda 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. 9964 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)