

54 16.12.2020  
rkd Ct. No.28  
(Allowed)

**C.R.M. 10014 of 2020  
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Patrasayer** P.S. Case No. **54 of 2020** dated **25/06/2020** under Sections **376(3)/506** of the Indian Penal Code and under Sections **4** of the POCSO Act.

And

In the matter of: Rakesh Mallick @ Rabi

....petitioner.

Mr. S. Banerjee,  
Ms. P. D. Dhabal

...for the petitioner.

Mr. B. Panda,  
Ms. R. Ghosh

...for the State.

Petitioner was voluntary allowed entry into the residence of the victim and the incident occurred.

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

We have considered the materials on record. Allegation of forcible rape may be assessed in the light of the aforesaid submission made on behalf of the petitioner. Under such circumstances including the 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 under POCSO Act, Bishnupur, Bankura 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 offence 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.)**