

10.12.2020

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CRM 10125 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur P.S. Case No.237 of 2019 dated 28.06.2019 under Sections 376(3)/120B of the Indian Penal Code adding Section 6 of the POCSO Act.

And

In the matter of: Dipak Roy

....Petitioner.

Mr. S. Khandakar

...for the Petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...for the State.

It is submitted on behalf of the petitioner that there was a love affair between the parties and he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits that the victim is a minor and was driven out from the residence of the petitioner.

Statement of the victim girl discloses a love affair and a marriage had also taken place between the parties. Under such circumstances, we are of the opinion that petitioner may be granted bail.

Accordingly we direct that the petitioner shall 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 (POCSO Court), Gangarampur at Buniadpur, Dakshin Dinajpur subject to condition that the petitioner

shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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 for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)