

C.R.M. 10214 of 2020

(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Patharpratima P.S. Case No. 79 of 2020 dated 04.08.2020 under section 376 of the Indian Penal Code and section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Asim Guchait

Mr. Gobinda Chandra Baidya

... ... for the petitioner

Ms. Sukanya Bhattacharya

Mr. Md. Kutubuddin

... ... for the State

Petitioner is in custody for 127 days. Investigation is complete. It is submitted that he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner was a married person and cohabited with the victim on the false promise of marriage.

We have considered the statements of witnesses particularly the statement of the victim recorded under section 164 Cr.P.C. Victim speaks of free fixing between herself and the petitioner and allegation of suppression of marital status by the petitioner is to be assessed in the light of the continued acquaintance between the parties at the appropriate stage of the proceeding in accordance with law. However, in the factual matrix of the case and the protracted period of detention

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

Accordingly, the petitioner 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 Judge, Special Court under POCSO Act, Kakdwip, South 24-Parganas subject to the 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 do so 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, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)