

11.12.2020
Court No.28
SL No.28
AP

CRM 10250 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Ghola** P.S. Case No.**572 of 2020** dated **2nd December, 2020** under Sections **376/511** of the Indian Penal Code and Sections **8/18** of the POCSO Act.

And

In the matter of: **Kushal Paul**

....Petitioner.

Mr. Supratick Syamal

...for the Petitioner.

Mr. Tanmoy Kumar Ghosh,

Mr. Arindam Sen

...for the State.

It is submitted on behalf of the petitioner that there was an amorous relationship between the parties and he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the statement of the witnesses including the victim. False implication due to an estranged affair cannot be ruled out and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Let the petitioner 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, Special Court under POCSO Act, Barrackpore, North 24-Parganas subject to the condition that while on bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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, 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.)