

14.12.2020.
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(Allowed)

C.R.M. 10324 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 20 in connection with Murutia P. S. Case No.10 of 2017 dated 17.01.2017 under Sections 363/366/370/34 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Motirul Biswas @ Matikul Rahaman Biswas.
.... Petitioner.

Mr. Asraf Mandal.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that he is in custody for about 92 days and there was a love affair between the parties.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible rape may be assessed in the light of the aforesaid submission with regard to a love affair between two young persons.

In view of the facts and circumstances of the case, 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 the POCSO Act, Tehatta, Nadia 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. 10324 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)