

14.12.2020.
71.
as
(Allowed).

C.R.M. 10335 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tamluk P. S. Case No.459 of 2019 dated 07.08.2019 under Sections 376(3) of the Indian Penal Code AND Section 6 of the POCSO Act.

In the matter of : Moti @ Sk. Moti.

... Petitioner.

Mr. Amal Krishna Samanta,
Mr. Arun Kr. Das.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. M. F. A. Begg.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that there was a love affair between the parties. It is also submitted that he is ready and willing to marry the victim girl. Petitioner is in custody for more than a year.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the victim was a minor.

Allegation of rape may be assessed in the light of the aforesaid submission made on behalf of the petitioner. D.N.A. examination of the child born to the minor also does not implicate the petitioner.

In view of the aforesaid fact and the period of detention suffered by the petitioner, 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 Chief Judicial Magistrate, Purba Medinipur 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 her bail in accordance with law without further reference to this Court.

The application, being C.R.M.10335 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)