

15.12.2020.
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as
(Allowed)

C.R.M. 10384 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khargram P. S. Case No.278 of 2020 dated 05.10.2020 under Sections 363/365/376/323 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Dipon sk. @ Dipen Sk.

.... Petitioner.

Mr. Navanil De,
Mr. Rajeshwar Chakraborty.

...for the Petitioner.

Ms. Sukanya Bhattacharyya,
Md. Kutubuddin.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that there was a love affair between the parties.

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

Allegation of rape of the victim may be assessed in the light of the submission that there was a love affair between the parties. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner i.e. 70 days, 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, Kandi,

Murshidabad 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. 10384 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)