

C.R.M. 10432 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 Barasat P.S. Case No. 248 of 2020 dated 03.06.2020 under sections 363/365/376(2)(n)/376(3)/120B of the Indian Penal Code read with section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Biman Bose @ Biman Basu @ Sanu

Mr. Sourav Chatterjee
Mr. A. Tiwari
Mr. G. Das

... ... for the petitioner

Ms. Faria Hossain
Ms. Baisali Basu

... ... for the State

It is submitted on behalf of the petitioner that he is in custody for 192 days. Investigation is complete. It is further submitted that the victim was a consenting lady.

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

We note that the victim was around 17 years of age. There was a love affair between the parties. Allegation that petitioner suppressed his marital status may be assessed in the light of continuing free fixing between themselves.

Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to him.

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, Barasat, North-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.)