

17.12.2020

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Allowed

**C.R.M. 10506 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tamluk Police Station Case No. 445 of 2020 dated 29.08.2020 under Sections 341/323/325/506 of the Indian Penal Code and Section 8 of the POCSO Act.

And

In Re : Sadhan Maity petitioner

Mr. Ritam Chowdhury
.....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Rita Datta
....for the State

It is submitted by the learned Counsel appearing for the petitioner that there was a matrimonial dispute between the parties. Petitioner has been falsely implicated in the instant case. It is also submitted that the petitioner is the father of the minor victim.

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

Allegation of sexual abuse may be assessed in the light of the aforesaid submission relating to the matrimonial dispute between the parties resulting in false implication of the petitioner. Under such circumstances and in view of period of detention suffered by the petitioner, we are inclined in granting bail to the petitioner, however, subject to strict conditions.

Accordingly we direct that 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, Purba Medinipur, subject to the condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Tamluk Police Station until further orders except for attending court proceedings and/or investigation and shall provide the address where he shall presently reside to the investigating agency and the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)

