

17.12.2020
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Sdas
allowed

**CRM 10509 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dumdum Police Station Case No. 744 of 2020 dated 22.10.2020 under Sections 328/376(3) of the Indian Penal Code read with Sections 6/12 of the POCSO Act.

And

In Re : Prasanta Biswas @ Bappa petitioner

Mr. Koustav Bagchi
.....for the petitioner

Mr. S. G. Mukherjee, learned P.P.
Mr. P. P. Das
Mrs. Manasi Roy
..... for the State

Learned Counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case. Petitioner is in custody for 57 days.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the victim was administered intoxicating substance and ravished.

Materials on record does not disclose any chemical report with regard to administration of intoxicating substance. No injury on the private parts of the victim is also revealed.

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

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, 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 the witnesses and/or tamper with evidence in any manner whatsoever.

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.)