

18.12.2020  
Sl. No.47  
**akd**  
[ALLOWED]

**C. R. M. 10518 of 2020** [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.12.2020 in connection with Chanditala Police Station Case No. 127 of 2020 dated 04.06.2020 under Sections 4/6 of the POCSO Act read with Sections 363/365/376(2)(n) of the Indian Penal Code.

And

In Re: **Sumit Das**

... .. Petitioner

Mr. Kajal Ray .. Advocate

... .. for the petitioner

Mr. Swapan Banerjee .. Advocate

Mrs. Purnima Ghosh .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 195 days. It is further submitted that the victim girl refused medical examination. It is also submitted that investigation is complete.

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

Allegation of forcible rape may be considered in the light of the aforesaid submission and the fact that the petitioner is also of young age. Under such circumstances and bearing in mind the period of detention suffered by the petitioner and as investigation is complete, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sumit Das**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act, Serampore, Hooghly subject to condition that the said 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 or commit similar offences in future.

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

The application for bail, thus, stands **allowed**.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**