

22.12.2020
Sl. No.52
akd
[ALLOWED]

C. R. M. 10605 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.12.2020 in connection with Krishnagar Kotwali Police Station Case No. 730 of 2020 dated 04.10.2020 under Sections 376/363/366/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Bijoy Paul***

... .. Petitioner

Mr. Prabir Majumder .. Advocate

... .. for the petitioner

Mr. Bidyut Kr. Roy .. Advocate

Ms. Rita Datta .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 53 days. It is further submitted that petitioner had a love affair with the girl. They had married and were residing together.

Learned advocate appearing for the State opposes the prayer for bail and submits that the victim is a minor and had been kidnapped.

We have considered the materials on record including the statement of the victim girl. Allegation of kidnap and forcible rape may be considered in the light of the aforesaid submission made on behalf of the petitioner that the couple was residing as husband and wife. In view of the aforesaid facts including the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Bijoy Paul***, 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, Krishnanagar, Nadia 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.)