

22.12.2020
Sl. No.54
akd
[ALLOWED]

C. R. M. 10609 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 Chandipur Police Station Case No. 245 of 2019 dated 05.11.2019 under Sections 363/365/366 of the Indian Penal Code and Section 4 of the POCSO Act. (G.R. Case No.2389 of 2019)

And

In Re: **Sagar Ghorai**

... .. Petitioner

Mr. Arun Kumar Das .. Advocate

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor

Ms. Faria Hossain .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 190 days. It is further submitted that there was a love affair between the parties and the petitioner has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for bail and submits that the victim is a minor and was kidnapped by the petitioner.

We have considered the materials on record. Allegation of kidnapping and forcible rape may be considered in the light of the submission that there was a love affair between the parties. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Sagar Ghorai**, 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 Additional District and Sessions Judge, 2nd Court, Tamluk, Purba Medinipur 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Chandipur Police Station until further orders except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as 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 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.)