

23.12.2020
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Sdas
allowed

**CRM 10656 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khargram Police Station Case No. 271 of 2020 dated 01.10.2020 under Sections 376/363/365 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Riyajul Sk. @ Bapon Sk. @ Riyajuddin Sk. petitioner

Ms. Minoti Gomes

.....for the petitioner

Mr. P. K. Datta, learned A.P.P.

Mr. Santanu Deb Roy

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that there is delay in lodging F.I.R.

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

Allegation of forcible rape may be assessed in the light of the aforesaid submission relating to delay in lodging F.I.R.

Under such circumstances including period of detention suffered by the petitioner i.e. 80 days and as investigation is complete, we are inclined to grant 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, Murshidabad, subject to 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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)