

28.06.2021

(Via Video Conference)

Court No. 28
Item No. 52
Suvayan/sb

CRM 2819 of 2021

(bail - allowed)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 17.03.2021 in connection with Raghunathpur Police Station Case No. 4 of 2021 dated 16.01.2021 under Sections 363/365 of Indian Penal Code with Section 4 of POCSO Act.

and

In the matter of: **Shubhankar Kumbhakar**

..... Petitioner

Mr. Kunal Ganguly, Advocate

Mr. Arnab Saha, Advocate

.....for the Petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P

Mr. Ranabir Roy Chowdhury, Advocate

Mr. Rudradipta Nandy, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Raghunathpur Police Station Case No. 4 of 2021 dated 16.01.2021 under Sections 363/365 of Indian Penal Code with Section 4 of POCSO Act.

The learned advocate for the petitioner submits that in consequence of maintaining a love relationship with the victim he has been falsely implicated in this case. It is further submitted that the petitioner is in custody for 158 days and charge-sheet having submitted already, there is no need of any further detention.

The learned advocate for the State raises objection against the prayer for bail drawing our attention to the statement of the victim recorded under Section 164 Cr.P.C. and the medical examination report of the victim girl.

We have considered the statement of the victim and the medical examination report of the victim who is aged about 15+ years old. The statement of the victim girl and that of the medical examination report

are not supportive of further detention of the accused.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioner 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 Additional District Judge-cum-Special Court, under POCSO Act, Raghunathpur, Purulia subject to condition that the said petitioner shall appear before the trial Court on every date of hearing until further order and shall not intimidate witnesses 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 without any reference to this Court.

The application being **CRM 2819 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)