

09.12.2021
Sl. No.84
akd
[ALLOWED]

C. R. M. 5657 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.08.2021 in connection with Jagacha Police Station Case No. 93 of 2021 dated 21.04.2021 under Sections 363/365/366 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Dipak Show**

... .. Petitioner

Mr. Sourav Mondal

... .. for the petitioner

Ms. Faria Hossain

Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 184 days. It is further submitted that there was a love affair between the parties.

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

We have considered the materials on record. Allegation of rape may be assessed in the light of the aforesaid submission with regard to amorous relationship between the parties in course of trial. In view of the aforesaid fact, 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 **Dipak Show**, 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, Howrah 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**.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)