

07.12.2021
SL No.28
Saswata

CRM 5509 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Patashpur** P.S. Case No. **35/2021** dated **03.02.2021** under Sections **376(3)/506** of the Indian Penal Code and Section 6 of the POCSO Act.

And

In the matter of: **Bapi Dinda @ Billa**

....Petitioner

Mr. Amal Krishna Samanta

...for the Petitioner

Mr. Tanmay Kr. Ghosh

Mr. Arindam Sen

...for the State.

The petitioner is a young person and it is submitted that there was a free mixing between the parties. The petitioner is in custody for 307 days.

Learned lawyer for the State opposes the prayer for bail and submits that the victim was a minor and has given birth to a child.

We have considered the materials on record including the statement of the victim. Allegation of rape requires to be assessed in light of the aforesaid submission with regard to the amorous relationship between the parties.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

The prayer for bail is thus allowed.

Let 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 Judge, Special Court under the POCSO Act, Contai, Purba Medinipur

subject to the condition that he shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)