

10.12.2021
cm/ct 28

C.R.M. 6410 of 2021

sl no. 54 In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Goghat P.S Case No. 154 of 2021 dated 07.06.2021 under Sections 376 of the Indian Penal Code & Sections 4/6 of the Protection of Child from Sexual Offence Act, 2012.
And

Allowed

In Re : Pradip Santra @ Amit

..... petitioner

Mr. Suman Chakraborty

..... for the petitioner

Mr. Prasun Kr. Datta

Mr. Nirupam Dhali

..... for the State

Petitioner is in custody for 187 days. It is submitted that he has been falsely implicated in the instant case due to dispute with the husband of the victim girl.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl. Credibility of the allegation of forcible rape at the residence of the victim girl is to be assessed in the light of the submission with regard to inimical relationship between the petitioner on the one hand and the husband of the victim on the other hand in course of trial.

Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

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 Session Judge, Arambag, POCSO on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 being CRM 6410 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)