

20.12.2021
183
sdas
allowed

CRM 8472 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bankura Police Station Case No. 159 of 2021 dated 27.07.2021 under Sections 363/365/34 of the Indian Penal Code adding Sections 4 & 6 of POCSO Act.

And

In Re : Sourav Diasi @ Sourav Diyashi petitioner

Mr. Soumik Ganguli

.....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Sima Biswas

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 135 days. It is further submitted that there is a love affair between the parties. Investigation is complete.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered the materials on record. Allegation of forcible rape requires to be considered in the light of the aforesaid submission with regard to amorous relationship between the parties during trial.

In view of the factual matrix of the case and period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner shall 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 POCSO Act, Bankura, subject to the 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 and on further conditions that the petitioner shall not enter into the jurisdiction of Bankura Police Station and shall provide the address where he shall presently reside to the said officer-in-charge as well as court below and shall report to the officer-in-charge concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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 automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)