

16.08.2023
Sl. No.37
akd
[ALLOWED]

C. R. M. (DB) 3057 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.07.2023 in connection with Katwa Police Station Case No.309 dated 13.04.2023 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act. (G.R. Case No.557 of 2023)

And

In Re: **Bipul Ghosh**

... .. Petitioner

Mr. Prantick Ghosh
Mr. Prasad Bhattacharyya
Mr. Bitan Das

... .. for the petitioner

Mr. Debapratim Guha
Mr. Diptendu Banerjee
Ms. Pinky Sarkar

... .. for the de-facto complainant

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 107 days. It is further submitted there was a romantic relationship between the parties. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of the submission that there was an intimate relationship between two young persons. Investigation is complete. There is no chance of abscondence of the petitioner. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely **Bipul Ghosh**, 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, Katwa, Purba Bardhaman 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)