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Allowed

C.R.M. (DB) No. 244 of 2024

In Re : Rana Saha petitioner

Mr. Tapan Bhattacharji
Mr. Chattu Roy
.... for the State

1. In spite of service of notice nobody appears for the victim.
2. Learned Counsel for the petitioner submits there was romantic relationship between the parties. He has relied on intimate photographs.
3. Report submitted by the learned Counsel for the State is placed on record. It appears from the report that the victim admitted the photographs.
4. Having considered the materials on record we are of the opinion there was a romantic relationship between two young persons. Accordingly, we are of the view allegation for

forcible rape requires to be assessed in the light of these attending circumstances during trial. Hence, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner shall 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-in-Charge, Special Court under POCSO Act, Jalpaiguri, subject to condition that 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 petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)