

13.10.2020
tkm
sl no. 20

**C.R.M. 7806 of 2020
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nandakumar P.S. Case No. 10 of 2020 dated 10.1.2020 under Sections 363/365 of the Indian Penal Code, charge sheet submitted under sections 363/365/376(3) of the Indian Penal Code and section 6 of the POCSO Act

And

Allowed

In Re : Sk. Mohammad Soyeb @ Sk. Mohammad Soyb @ Pappu
..... petitioner

Mr. Ayan Basu
Mr. S Bera
Mr. S Routh

..... for the petitioner

Ms. Sukanya Bhattacharya
Md. Kutubuddin

..... for the State

Petitioner is in custody for eight and half months. It is submitted on behalf of the petitioner that there was a love affair between the parties.

Learned lawyer for the State opposes the prayer for bail and submits that the victim was raped several times.

Having considered the materials on record and bearing in mind the facts and circumstances of the case in the light of the submission that there was a love affair between the parties and as no forensic report with regard to administration of drugs is available in the case records, 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 ACJM, Tamruk, Purba Medinipur on condition that the 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.

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 7806 of 2020 is disposed of.

(Moushumi Bhattacharya, J.)

(Joymalya Bagchi, J.)