

CRM 8254 of 2020

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj P.S. Case No.284 of 2020 dated 26.06.2020 under Sections 376/323/506 of the Indian Penal Code.

And

In the matter of: **Safikul Sk.**

....Petitioner

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chattopadhyay
Mr. Santanu Maji

... For the Petitioner

Ms. Faria Hossain
Ms. Baisali Basu

... For the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that the alleged survivor has been constrained to make a statement against the petitioner upon the consensual relationship with the petitioner being discovered by the husband of the alleged survivor.

The State relies on the statement of the survivor recorded under Section 164 of the Code. Even though such statement refers to the petitioner using force, there is no indication of any injury in the private parts of the survivor evident from the medical report.

Considering the age of the survivor and the circumstances, the further detention of the petitioner may not be necessary.

The petitioner will be enlarged on bail upon furnishing a security 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 appropriate court in Nadia.

The petitioner must attend every date fixed for trial and any unexplained absence will entitle the trial court to cancel the bail without reference to this Court.

CRM 8254 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)