

19.11.2020
Court No. 16
Item No.15
(D/L)
akd & ab

**CRM 8637 of 2020
(Via Video Conference)**

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No. 402 of 2020 dated 13.08.2020 under Sections 448/376 of the Indian Penal Code.

and

In the matter of: Nasir Sekh @ Nasiruddin Munsif.

..... Petitioner

Mr. Amanul Islam,
Mr. Sourav Mukherjee.

.....for the Petitioner

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Parthapratim Das,
Ms. Manasi Roy.

..... 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 petitioner had an illicit relationship with a married woman and the lady was constrained to bring a charge against the petitioner after their relationship may have been discovered.

The State says that the survivor, then aged 27 years and a mother of three children, did not suffer any injuries.

The petitioner also says that the complaint was lodged nearly 15 days after the alleged incident.

The statement of the survivor recorded under Section 164 of the Code is clear. The incident has been described in some detail and it does not appear that the survivor was tutored or that the survivor had any grudge against the petitioner herein. No motive has been indicated by the petitioner either.

Considering the brutality on the part of the petitioner as alleged by the survivor, the petitioner's immediate release is not

called for.

CRM 8637 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J)