

19.11.2020
SL No. 24
Sdas
allowed

**CRM 8704 of 2020
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nadanghat Police Station Case No. 296 of 2020 dated 11.09.2020 under Section 376(3) of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Iftikar Ali Khan @ Samim Ali Khan petitioner

Mr. Soumyajit Das Mahapatra
Mr. Dhananjay Banerjee
.....for the petitioner

Ms. Sukanya Bhattacharya
Md. Kutubuddin
..... for the State

It is submitted by the learned Counsel appearing for the petitioner that the love affair between the parties was not accepted by his family. He is in custody for 69 days.

Learned Counsel appearing for the State opposes the prayer for bail.

We are considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure in the light of the aforesaid submission made on behalf of the petitioner. Keeping in mind the aforesaid facts and circumstances of the case and in view of period of detention already suffered by the petitioner, we are of the opinion that further detention is not necessary and petitioner may be granted bail.

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, Special Court under POCSO Act, Purba Bardhaman, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)