

24.12.2020
Sl. No.45
akd
[ALLOWED]

C. R. M. 9783 of 2020

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No. 336 of 2020 dated 14.07.2020 under Sections 363/366/376(3)/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Niyamat Sk. @ Sekh**

... .. Petitioner

Mr. Soumya Basu Roy Chowdhuri .. Advocate

Mr. Amanul Islam .. Advocate

... .. for the petitioner

Mr. Swapan Banerjee .. Advocate

Mr. Suman De .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 150 days. It is further submitted that there was a love affair between the parties.

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

We have examined the statements of witnesses including that of the victim girl recorded under Section 164 of the Code of Criminal Procedure. Allegation of forcible rape may be considered in the light of the aforesaid submission made on behalf of the petitioner. Under such circumstances including the period of detention suffered by the petitioner and as investigation is complete, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Niyamat Sk. @ Sekh**, be released on bail upon furnishing a bond 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 learned Judge, Special Court under the POCSO Act, Krishnagar, Nadia subject to condition that

the said 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 or commit similar offences in future.

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 for bail, thus, stands **allowed**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)