

23.12.2020
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Sdas
allowed

**CRM 10102 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nalhati Police Station Case No. 139 of 2020 dated 07.08.2020 under Sections 363/366/506/120B of the Indian Penal Code and Sections 8/10/12 of the POCSO Act.

And

In Re : Karibul Sk. alias Md. Karibul Rahaman petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Sekhar Saha
.....for the petitioner

Ms. Z. N. Khan
Ms. Sreeparna Das
..... for the State

Petitioner is in custody for 142 days.

It is submitted by the learned Counsel appearing for the petitioner that there was a love affair between the parties.

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

We have examined the statement of the victim girl in the light of the aforesaid submission made on behalf of the petitioner relating to love affair between two young persons.

Under such circumstances including detention of period suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

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, Birbhum,

subject to 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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)