

11.12.2020
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Sdas
allowed

**CRM 10271 of 2020
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Neturia Police Station Case No. 109 of 2020 dated 21.09.2020 under Section 6 of the POCSO Act.

And

In Re : Aslam Charidar @ Kabir petitioner

Mr. Subrata Santra
.....for the petitioner

Mr. Binay Panda
Ms. Puspita Saha
..... for the State

Learned Counsel appearing for the petitioner submits that there was a love affair between the parties. There is delay in lodging first information report.

Learned Counsel appearing for the State submits that the victim was a minor and had become pregnant due to cohabitation.

Having considered the materials on record, we are of the opinion that allegation of forcible rape may be assessed in the light of the aforesaid submission relating to a love affair between the parties. That apart, as the parties are young persons and in view of the period of detention suffered i.e. 80 days, we are inclined in granting 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, Purulia, 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.)