

14.12.2020
tkm
sl no. 84

**C.R.M. 10361 of 2020
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Uluberia P.S. Case No. 163 of 2020 dated 9.7.2020 under Sections 363/365/366/376(3) of the Indian Penal Code and section 4 of the POCSO Act, charge sheet submitted under sections 363/365/366/376 (3) IPC read with section 6 of the POCSO Act

And

Allowed

In Re : Nijamuddin Khan @ Gambu Khan petitioner

Mr. T Chowdhury

..... for the petitioner

Mr. R D Nandi

..... for the State

Ms. R Ghosh

..... for the de facto complainant

It is submitted on behalf of the petitioner that there was a love affair between the parties.

Learned lawyer for the State opposes the prayer for bail.

Learned lawyer for the de facto complainant does not oppose the prayer for bail.

Materials on record show that the victim is a minor. Allegation of forcible rape may be assessed in the light of the submission made on behalf of the petitioner that there was a relationship between the parties.

In view of the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 CJM, Howrah on condition that the 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.

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 being CRM 10361 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)