

15.12.2020
tkm
sl no. 61

**C.R.M. 10403 of 2020
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliganj P.S. Case No. 452 of 2020 dated 29.9.2020 under Sections 448/376/511 of the Indian Penal Code and section 4 of the POCSO Act

And

Allowed

In Re : Samirul Sk @ Sobuj Sk @ Samiul Sk petitioner

Mr. J I Hossin

..... for the petitioner

Mr. B Panda

Ms. Puspita Saha

..... for the State

It is submitted on behalf of the petitioner that there was a love affair between the parties. Subsequently, he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

Allegation of attempting to ravish the victim may be assessed in the light of the submission that the love affair between young persons had turned sour.

In view of such fact and the period of detention suffered by the petitioner i.e. 49 days, 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 Judge, Special Court under POCSO Act, Nadia 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 10403 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)