

09.12.2021
tkm/ct 28
sl no. 69

C.R.M. 5536 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kashipur P.S case no. 85 of 2021 dated 21.2.2021 under sections 376(2)(N)/506 IPC
And

Allowed

In Re : Rahim Sahaji alias Kayem petitioner

Mr. Ansuman Chakraborty
Mr. S S Saha

..... for the petitioner

Mr. S Bapuli

..... for the State

Petitioner is in custody for more than 294 days and 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 and submits that the victim is aged around 17 years. Petitioner had taken objectionable pictures of the victim and threatened her.

We have considered the materials on record. Allegation of forcible rape is to be assessed in the light of the aforesaid submission relating to amorous relationship. No electronic evidence with regard to objection of picture taken on mobile phone is placed before us.

Under such circumstances and in view of 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, one of whom must be local to the satisfaction of the learned Judge, Special court under POCSO Act Baruipur, South 24 Parganas, 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 5536 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)