

02.05.2022

Serial no. 51

[Dd]

(Bail **allowed**)

CRM (DB) 1157 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Beldanga** Police Station Case No. **28** of **2019** dated **11.01.2019** under Sections **376** of the Indian Penal Code read with Section **4** of POCSO Act.

-And-

In the matter of : Nasiruddin Sk

... .. Petitioner

*Mr. Rabiul Islam,
Ms. Pramita Banerjee,
Mr. Raju Mondal, Advocates
... .. For the Petitioner*

*Mr. Binay Panda,
Ms. Puspita Saha, Advocates
... ..For the State*

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. There was matrimonial disputes between the petitioner and his wife. The de facto complainant is the sister of the wife of the petitioner. He submits that the victim subsequently married and gave birth to a child.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure. She submits that the petitioner was absconding for a period of two years.

In her statement, the victim claims that she was ravished by the petitioner. In the medical report, the Doctor says that there was no marks of violation of the victim. The

incident alleged is of June 7, 2019. The victim was examined by the Doctor on June 11, 2019.

Considering the period of detention of the petitioner and considering the fact that police filed charge sheet and considering the materials in the case diary, 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/- (Rupees Ten Thousand only), 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, Berhampore, Murshidabad** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM (DB) 1157 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)