

20.06.2022
cm/ct 28
sl no. 22

C.R.M. (DB) No. 1512 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Bauria P.S Case No. 212 of 2021** dated **09.12.2021** under Sections **373(3)** of the Indian Penal Code, 1860 read with section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

Allowed

In Re : Sk. Rustam

..... petitioner

Mr. Imtiaz Ahmed
Mr. Ghazala Firdaus
Mr. Mofakkerual Islam
Mr. Sk. Saidullah
Mr. Shibasish Banerjee

..... for the petitioner

Mr. Binay Panda
Mr. Subham Bhakat

..... for the State

Petitioner is in custody for 180 days. There was a love affair between the parties and he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail. He submits due to cohabitation with the minor a child was born.

We have considered the materials on record. It appears that there was a love affair between two young persons. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention is not necessary and he may be granted bail.

Accordingly, the petitioner be released on bail upon furnishing bonds of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 1st Court, Uluberia, on condition that the petitioner shall appear before the trial court on every date of

hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event petitioner fail 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 (DB) No. 1512 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)