

08.08.2022
cm/ct 28
sl no. 41

C.R.M. (DB) 2668 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Hemtabad P.S. Case No. 315 of 2021** dated **15.11.2021** under **Sections 363/365** of the Indian Penal Code and now charge-sheet submitted being Charge Sheet No. 393 of 2021 under Sections 363/365 of the Indian Penal Code adding Section 6 of Protection of Children from Sexual Offences Act.

Allowed

In Re : Afroj Ansari

..... petitioner

Mr. Kaushik Chowdhury

..... for the petitioner

Mr. Anwar Hossain

Ms. Sreyashee Biswas

..... for the State

Petitioner is in custody for 261 days. It is submitted there was a love affair between the parties. He has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including statement of the victim girl. Allegation of rape requires to be assessed in the light of the submission regarding amorous relationship between two young persons.

Under such circumstances and period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

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, Uttar Dinajpur, 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 and on further condition that petitioner while on bail shall remain within the jurisdiction of Hemtabad police Station and shall report to the Officer-in-Charge of Hemtabad police station once in a week until further orders

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(DB) No. 2668 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)