

17.08.2022
cm/ct 28
sl no. 21

C.R.M. (DB) 2756 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bakultala P.S. Case No. 118 of 2022 dated 08.05.2022 Sections 376(2)n/305/511 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offence Act, 2012 which ended up in Charge Sheet No. 155/2022 dated 26.06.2022 under Sections 376(3),(2)(n)/305/511 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offence Act, 2012.

Allowed

In Re : Nasiruddin Sardar @ Nasir Sardar.

..... petitioner

Mr. Angshuman Chakraborty
Mr. Ashutosh Mandal

..... for the petitioner

Ms. Zareen. N. Kahn
Mr. Asoke Das

..... for the State

Petitioner is in custody for 96 days. It is submitted there was a love affair between the parties. They were caught in a compromising position. Thereafter, victim tried to commit suicide.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including statement of the victim girl. She submits there was a love affair between the parties. Whether the petitioner did not intend to marry the victim from the inception of the relationship requires to be assessed during trial. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner i.e. 96 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, Baruipur, South 24

Parganas 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 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. 2756 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)