

23.12.2022.
34.
as
(Allowed)

C.R.M. (DB) 4544 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar (Women) P. S. Case No.183 of 2022 dated 17.08.2022 under Sections 363/365 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Md. Nasim Sk.

.... Petitioner.

Kazi Mokhlasur Rahman.

...for the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Sima Biswas.

...for the State.

Mr. Pravas Bhattacharyya.

...for the O.P.No.2.

Petitioner is in custody for about 60 days. He submits victim is a major lady. There was a love affair between the parties. He prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits victim is a minor.

Learned Advocate for the de-facto complainant does not oppose the prayer for bail.

We have considered the materials on record. Allegations of rape of a minor is to be assessed in the light of the aforesaid submission made on behalf of the petitioner. De-facto complainant has also not opposed the bail prayer.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Md. Nasim Sk. shall 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 Chief Judicial Magistrate, Malda subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)