

17.04.2023  
tkm/ct 28  
sl no. 42

**C.R.M. (DB) 1311 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Lalgola PS case no. 464 of 2022 dated 9.12.2022 under sections 376/323/506 of the IPC and section 4 of the POCSO Act

And

**Allowed**

In Re : Mostafa Sk @ Golam Mostafa

..... petitioner

Mr. U S Chattopadhyay

Mr. S Majhi

Ms. S Saha

Mr. R Tah

Ms. T Rakshit

Ms. A Karmakar

..... for the petitioner

Mr. S S Imam

Mr. S Kundu

..... for the State

It is submitted on behalf of the petitioner that there was a love affair between the parties. Police initiated proceeding under section 107 Cr.P.C against both of them for indecent conduct. He prays for bail.

Learned lawyer for the State opposes the bail.

We have considered the materials on record. Plea of intimate relationship between the parties requires to be assessed in the light of the attending circumstances particularly proceeding under section 107 Cr.P.C initiated against both of them for indecent conduct.

Under such circumstances and in view of the period of detention surfed by the petitioner i.e. 128 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, Lalbagh, Murshidabad 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) 1311 of 2023 is disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**