

05.06.2023
tkm/ct 28
sl no. 43

C.R.M. (DB) 2080 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ranitala PS case no. 54 of 2023 dated 10.2.2023 under sections 363/365/34 of the IPC and adding section 6 of the POCSO Act

And

Allowed

In Re : Nashim Sk @ Nasim Sk petitioner

Mr. N S Ghosh

Mr. T Gupta

..... for the petitioner

Mr. T K Ghosh

Mr. Asraf Mondal

..... for the State

Mr. A A Alamgir

Ms. Rabia Khatoon

..... for the de facto complainant

Petitioner is in custody for 102 days. Investigation is complete. It is submitted there was an amorous relationship between the parties. He has been falsely implicated.

Learned lawyer for the State opposes the bail prayer.

Learned lawyer for the de facto complainant submits victim was a minor and had been kidnapped.

We have considered the materials on record. In the FIR it is claimed that the minor had gone out to attend tuition classes in the evening and had not returned. But the minor stated before Magistrate that she was studying at her residence at night and when she went out she was kidnapped. The circumstance leading to her kidnapping as portrayed in the FIR is at variance to her statement before Magistrate. On the other hand, petitioner contends there was an amorous relationship between two young

persons. They had eloped. Subsequently, the minor was compelled to make statement.

In view of the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, 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, 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) 2080 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)