

05.07.2023
tkm/ct 28
sl no. 115

C.R.M. (DB) 2228 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Rajapur PS case no. 324 of 2022 dated 15.12.2022 under sections 363/365/376(3) IPC and under section 6 of the POCSO Act

And

Allowed

In Re : Sk. Rohit

..... petitioner

Mr. I Ahmed
Mrs. G Firdaus
Mr. M Islam
Sk. Saidullah
Mr. M Mondal
Md. Bani Israil

..... for the petitioner

Mr. S S Imam
Mr. S Kundu

..... for the State

Affidavit of service is filed.

Nobody appears for the victim.

Petitioner submits that there was a love affair between the parties. Petitioner relies on photographs in support of such plea. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of the submission made on behalf of the petitioner which is supported by photographs and other documents.

Under such circumstances, 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

ACJM, Uluberia, Howrah 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) 2228 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)