

03.07.2023.  
144  
Ct.No.28  
ss/SD  
(Allowed)

**C.R.M. (DB) 2478 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nowda P. S. Case No.199 of 2020 dated 26.12.2020 under Sections 363/365/376(3) of the Indian Penal Code read with Section 4/6 of the POCSO Act.

In the matter of : Jubbar Seikh @ Sk.

.... Petitioner.

Ms. Soma Mal  
Ms. June Modak

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh  
Mr. Arindam Sen

...for the State.

Heard learned lawyers for the parties.

Petitioner submits that there was a love affair between the parties. He is in custody for 286 days. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Allegation of forcible rape may be assessed during trial.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Special Judge, POCSO, Berhampore, Murshidabad, 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.)**