

02.05.2024
Sl. No.24
akd
[ALLOWED]

C. R. M. (DB) 1168 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.04.2024 in connection with Arambagh Police Station Case No.14 of 2024 dated 08.01.2024 under Sections 406/420/376/506/379/109 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: **Sk. Sahid Imam**

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourav Mondal
Ms. Labani Sikder
Mr. Rony Mondal

... .. for the petitioner

Mr. Suman Chakraborty

... .. for the victim

Mr. Jaydeep Biswas
Ms. Debadrita Mondal

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 114 days. It is further submitted there was a romantic relationship between two young persons. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the victim also opposes the prayer for bail.
4. We have considered the materials on record including the evidence of the victim. Before Magistrate she stated petitioner had made proposal to her and she had accepted the proposal. Allegation of forcible rape requires to be assessed in the light of the aforesaid circumstances during trial. There is no chance of abscondence. Investigation is complete. Under such circumstances and in view of

the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely ***Sk. Sahid Imam***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly subject to condition that the said petitioner 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)