

03.05.2024.
18.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1231 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara P.S. Case No.579 of 2023 dated 31.12.2023 under Sections 363/365/334 of the Indian Penal Code and adding Section 6 of the POCSO Act.

In the matter of : **Julfikar Sk.**

.... Petitioner.

Mr. Jisan Iqubal Hossain.

...for the Petitioner.

Mr. Joydeep Roy, Id. Jr. Govt. Adv.,

Mr. Arabinda Manna.

...for the State.

1. Petitioner contends there was a romantic relationship between the parties. He has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocates for the State opposes the bail prayer. He submits victim was a minor and forcibly raped.
3. In spite of notice nobody appears for the victim.
4. We have perused the materials on record including the statement of the victim. In her statement she admitted there was a romantic relationship. However, she alleges she was forcibly raped. Credibility of the allegation regarding forcible rape requires to be assessed in the light of attending circumstances during trial.
5. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner i.e. 125 days, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Julfikar Sk** 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 Judge, Special Court under the POCSO Act, 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.

7. 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.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)