

15.01.2024
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allowed

CRM(DB) No. 4609 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Women Police Station Case No. 78 of 2020 dated 23.06.2020 under Sections 417/376 of the Indian Penal Code and charge-sheet submitted under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Nur Selim Sk. @ Nurselim Seikh Petitioner

Mr. Tapodip Gupta

....for the petitioner

Mr. Abhra Mukherjee

Mr. Sudip Bhattacharji

.... for the State

Mr. Sauradeep Dutta

.... for the de facto complainant

1. Learned Counsel for the petitioner submits there was a romantic relationship between the parties. Petitioner is in custody for 188 days. Accordingly, he prays for bail.

2. Learned Counsel for the State produces the Case Diary.

3. Learned Counsel for de facto complainant does not opposes the bail prayer.

4. We have considered the materials on record. It is contended there was a romantic relationship between two young persons. Victim does not oppose the bail application. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner i.e. 188 days, we are inclined to grant bail to him.

5. Accordingly, we direct that 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 Judge, Special Court under POCSO Act Berhampore, Murshidabad, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)