

17.08.2021
Item no.36.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2675 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 15.03.2021 in connection with Bhadreswar Police Station Case No.31 of 2021 Dated 18.01.2021 under Section 376AB of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Zahid Salim

.....Petitioner.

Mr. Suman Chakrabortyfor the Petitioner.

Ms. Sukanya Bhattacharya,
Mr. Nirupam Dhalifor the State.

The petitioner says that he has been framed. He is a plumber by profession. He has some disputes with the complainant regarding the work that he did for him. The complaint has been falsely lodged. The charge is under Section 376AB of the Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

The State draws our attention to the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure including the statement of the victim girl. We have also seen the medical report, which discloses absolutely no injury on the body of the victim girl.

The petitioner is in custody for 210 days. Charge sheet has already been filed.

On an overall consideration of the material on record and the nature and gravity of the allegations against the petitioner and in view of the facts and circumstances as stated above, we are of the view that the petitioner's prayer may be allowed.

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 Additional Sessions Judge, POCSO Court, Chandernagore, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)