

16.08.2021
Item no. 40
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 2776 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 17.03.2021 in connection with Kaliganj Police Station Case No. 598 of 2020 dated 27.12.2020 under Sections 376(3) of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

And

In the matter of : Asabul Sk @ Abul Sk.

.....Petitioner.

Mr. Asraf Mandal, Advocate,

.....for the Petitioner.

Mr. S.G. Chatterjee, Ld. P.P.,
Ms. Faria Hossain, Advocate,
Ms. Baisali Basu, Advocate,

.....for the State.

The allegation against the petitioner is under Section 376(3) of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

It is submitted on behalf of the petitioner that he has been falsely implicated.

The State refers to the case diary including the statement of the victim girl aged about fourteen years recorded under Section 164 of the Code of Criminal Procedure, her injury report and statements of witnesses under Section 161 of the Code.

We have perused the case diary. It appears that the victim was aged about fourteen years when the alleged incident occurred. The Medical Report of the victim does not, prima facie, support her statement recorded under Section 164 of the Code of Criminal Procedure. Charge sheet has been submitted. The petitioner is in custody for 227 days.

Having considered the material in the case diary and nature of allegation against the petitioner and also in view of the fact that the charge sheet has been submitted, we are of the view that further detention of the petitioner is not necessary.

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 Ld. Additional Chief Judicial Magistrate, Krishnagar and on further conditions that he shall remain within the jurisdiction of the concerned police station and he 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.)