

24.08.2021
Item no. 77
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 4457 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 01.07.2021 in connection with Manikchak Police Station Case No. 193 of 2019 dated 09.07.2019 under Sections 363/365/323/506/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Rafikul.

.....Petitioner.

Mr. Amitabha Karmakar, Advocate,
Mr. Arup Kumar Bhowmick, Advocate,
.....for the Petitioner.

Mr. Bidyut Kr. Ray, Advocate,
Ms. Rita Dutta, Advocate,
Ms. Manisha Sharma, Advocate,
.....for the State.

The petitioner, 24 years old, says that he had a long-standing love affair with the victim girl. He has been framed in this case.

We have seen the material in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. We also note that the girl refused to undergo medical examination.

Charge-sheet has been filed. The petitioner is in custody for about two years.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that further custodial 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 learned Judge, Special Court under POCSO Act, Malda 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.)