

54. 30.09.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4536 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **05/07/2021** in connection with **Special Case No. 17 of 2021** arising out of **Ashoknagar Police Station Case No. 92** dated **04/02/2021** under Section **376** of the Indian Penal Code read with Section **6** of the POCSO Act, 2012.

And

In the matter of: - **Nur Islam Golder**

....petitioner.

Mr. Jayanta Narayan Chatterjee,
Md. Younush Mondal,
Mr. Nazir Ahmed,
Mr. Supreem Naskar,
Ms. Ritushree Banerjee

...for the petitioner.

Mr. P.K. Datta, Ld. A.P.P.,
Mr. Santanu Deb Roy

...for the State.

The petitioner says that there was a love affair between him and the victim girl. The petitioner is about 21 years old. The victim girl is about 17 years old. The petitioner says that upon the petitioner refusing to marry the victim girl, this false complaint has been lodged.

We have seen the material in the Case Diary. The victim admits in her statement recorded under Section 164 of the Code of Criminal Procedure that there was a love affair between her and the petitioner. She has also stated that the petitioner is refusing to take her phone calls. She has refused to undergo medical examination. Charge-sheet has been submitted upon completion of investigation.

On an overall assessment of the facts and circumstances of the case and the material on record and considering that the

petitioner is in custody for about 237days, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner *viz.*, **Nur Islam Golder** 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 learned Judge, Special Court under POCSO Act, Barasat, North 24-Parganas, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner will not commit any cognizable offence in future.

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 being C.R.M. 4536 of 2021 is, accordingly, disposed of.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)