

25.11.2021
Serial no. 594
Dd

(Through Video Conference)

CRM 7576 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Spl. T R 01 of 2021** arising out of **Shibpur** Police Station Case No. **373 of 2020** dated **26.12.2020** under **Sections 376(3)** of the Indian Penal Code, 1860 and Sections 4 and 6 of the POCSO Act, 1913.

-And-

In the matter of : Gulam Murtaza Petitioner

Mr. Avik Ghatak,
Mr. Neil Basu,
Ms. A. Begum,
Mr. Abhnav Rakshit.
Ms. Mohosain Gain, Advocate
... .. For the Petitioner

Mr. Saibal Bapuli, Id. APP
Mr. Arani Bhattacharyya, Advocates
... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the police case is a result of a previous dispute between the private parties. The petitioner was falsely implicated.

Learned adequate appearing for the State draws the attention of the Court to the statements recorded under Section 164 of the Criminal Procedure Code and the medical report.

Considering the period of detention of the petitioner and considering the fact that the police submitted charge sheet and considering the statements recorded under Section 164 of the Criminal Procedure Code and the

medical report, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 2nd Court, Howrah subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

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

The prayer for bail is **allowed**.

CRM 7576 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)