

06.12.2021
tkm/ct 28
sl no. 70

C.R.M. 7899 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kulti P.S case no. 436 of 2021 dated 30.8.2021 under sections 377/323/506 IPC and sections 4/6 of the POCSO Act,

And

Allowed

In Re : Salim Khan @ Nauku @ Nankau petitioner

Mr. S Chakraborty

..... for the petitioner

Ms. Anasuya Sinha

Mr. P K Mitra

..... for the State

Petitioner is in custody for more than 107 days and it is submitted on behalf of the petitioner that he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim boy. Medical report does not show any mark of injury.

In view of the aforesaid facts, period of detention suffered by the petitioner and as the investigation is complete, we are inclined to grant bail to the petitioner, however subject to condition.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount, one of whom must be local to the satisfaction of the learned CJM, Paschim Bardhaman on condition that the petitioner shall appear before the trial court on every date of hearing until further orders and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the

petitioner shall not enter the jurisdiction of Kulti P.S except for attending the court proceeding and shall provide the address where he shall presently reside to the Investigating Officer as well as to the court below and on further condition that the petitioner shall report to the Officer-in-Charge of the concerned P.S within whose jurisdiction he shall reside once a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 7899 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)