

98 01.02.2022
PJ Ct. No.29
SM (Allowed)

C.R.M.(DB) 256 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Uluberia Women** P.S. Case No. **63 of 2021** dated **13/09/2021** under Sections **376(2)(i)/506** of the Indian Penal Code and read with Section 6 of the POCSO Act.

And

In the matter of: Sk. Nur Hossain

....petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Debopriya Majumdar,

...for the petitioner.

Mr. M. Sur, A.P.P
Mr. Zareen N. Khan,
Mr. Asoke Das,

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that petitioner is in custody for 135 days. He submits that the First Information Report was lodged three days after the alleged incident and the petitioner was falsely implicated. He draws the attention of the Court to the statement recorded under Section 161 Cr.P.C of the victim girl as well as the mother of the victim girl. He submits that neither of such two statements is there any allegation of sexual assault with the victim girl. The allegation of sexual assault was sought to be introduced in the statement recorded under Section 164 Cr. P.C. which was made after ten days.

The learned advocate appearing for the State draws the attention of the Court to the statements recorded under Sections 161 and 164 Cr. P.C of the victim.

Considering the period of detention of the petitioner and considering the gravity of the offence and considering the statement

recorded under Section 161 Cr. P.C of the victim girl where sexual assault is not spoken of, we grant bail to the petitioner.

Accordingly, the petitioner 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 Special Court (POCSO), Howrah, subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being C.R.M.(DB) 256 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

