

59 01.04.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 883 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **POCSO Case No.35 of 2020** arising out of **Raninagar** P.S. Case No. **223 of 2020** dated **01/07/2020** under Section **4** of the Protection of Children from Sexual Offences Act.

And

In the matter of: Rofik Sk @ Rofikul Islam

....petitioner.

Mr. Mritunjoy Chatterjee
Md. Golam Nure Imrohi

...for the petitioner.

Mr. Bidyut Kumar Roy
Ms. Rita Datta

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 60 days. The police submitted charge sheet. The principal accused was granted bail by the Juvenile Justice Board. There was a previous complaint lodged by the family of the petitioner against the family of the de facto complainant. The present police complaint was lodged subsequent to the first police complaint in respect of an incident of June 19, 2020.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

In her statement the victim does not ascribe any role of the petitioner so far as the offence under Section 376 of the Indian Penal Code is concerned. Moreover, the principal accused who is a juvenile was granted bail by the Juvenile Justice Board.

Considering the period of detention of the petitioner and considering the fact that the police submitted charge sheet and considering the statement of the victim depicting the role of the petitioner, we enlarge the petitioner on bail.

Accordingly, the petitioner 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 Judge, Special under POCSO Act, Lalbagh, Murshidabad, subject to the condition that during bail the petitioner shall appear before the learned trial court on the date fixed till disposal of the trial and that the petitioner 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) 883 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)