

06.04.2022
Serial no. 37
Aloke
Ct. No. 29

CRM (DB) 903 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 31.03.2022 in connection with Kaliganj P.S. Case No. 04 of 2022 dated 03.01.2022 under Section 4 of the POCSO Act.

-And-

In the matter of : Soukat Islam @ Hemant

... ..Petitioner

Mr. Koustav Bagchi, Advocate
Mr. Amanul Islam, Advocate
Mr. Sourav Mukherjee, Advocate
Mr. Debayan Ghosh, Advocate

... .. For the Petitioner

Ms. Z.N. Khan, Advocate
Mr. Md. Kutub Uddin, Advocate

... ...For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 50 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. He submits that the petitioner was falsely implicated. The father of the petitioner lodged complaint case inter alia under Section 307 of the Code of Criminal Procedure on November 21, 2021 as against the family members of the victim. As a counter blast, the present police complaint was lodged consequent upon an order passed by the learned Magistrate under Section 156(3) of the Code of Criminal Procedure.

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

The medical report of the victim does not support the allegations made by the victim.

Considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet, we are inclined to grant bail to 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 Judge, Special Court under POCSO Act, Nadia at Krishnagar, subject to condition that 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 (DB) 903 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)