

CRM (DB) 1335 of 2022

19.05.2022
Sl. 65
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Shyampur** Police Station Case No. **104** of **2022** dated **18.03.2022** under Sections **448/341/323/506/34** of the Indian Penal Code, 1860 and Section **12** of the POCSO Act, 2012.

And

In the matter of: **Saiful Khan @ Saiful Ali Khan & Anr.**

....petitioners.

Md. Sabir Ahmed
Mr. Apan Saha

...for the petitioners.

Mr. Sujan Chatterjee

... for the State.

Petitioners pray for bail.

Learned advocate appearing for the petitioners submits that there are civil suits pending between the private parties. The petitioners were falsely implicated. He submits that the present police case was lodged after three months of the alleged incident through a process under Section 156(3) of the Criminal Procedure Code.

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

Considering the period of detention of the petitioners and considering the fact that there are civil suits pending between the private parties, we grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a Bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Uluberia,

subject to the condition that during bail the petitioners shall report before the Officer-in-Charge once a fortnight till the conclusion of the trial and on further condition that the petitioners shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail 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 **CRM (DB) 1335 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bivas Pattanayak, J.)

