

29.06.2022
cm/ct 28
sl. no. 40

C.R.M. (DB) 1920 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Amta P.S. Case No. 276 of 2020 dated 21.09.2020 under Sections 376(AB) of the Indian Penal Code read with Section 4 and 6 POCSO Act.

Allowed

In Re : Sabir Khan

..... petitioner

Ms. Devi Priya Mitra

..... for the petitioner

Mr. Tanmay Kr. Ghosh, Ld. SGA

Mr. Arindam Sen

..... for the State

Petitioner is in custody for more than 600 days. It is contended 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 mother of the victim girl recorded under Section 164 Cr.P.C. She stated that petitioner was last seen with the minor child in the room. Thereafter, the child was found crying and she noticed injuries in her private parts. However, for reasons best known to her, the mother refused the minor from being medically examined. Keeping in mind the aforesaid facts particularly the conduct of the mother in refusing to have the victim examined which would have provided vital medical evidence relating to injuries on her private parts, we are of the opinion petitioner may be released on bail subject to strict conditions.

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

Additional Sessions Judge, First Court, Uluberia, Howrah on condition that petitioner shall not enter the jurisdiction of Amta police station and he shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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(DB) No. 1920 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)