

26.07.2022.
19.
Ct.No.28
as
(Allowed).

C.R.M. (DB) 2437 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara P. S. Case No.166 of 2022 dated 16.04.2022 under Sections 376/506 of the Indian Penal Code. And Section 4 of the POCSO Act.

In the matter of : Nasirul Sk. ... Petitioner.

Ms. Minoti Gomes. ...for the Petitioner.

Mr. Prasun Kr. Datta, Id. A.P.P.,
Mr. Nirupam Dhali.for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for about 103 days. It is submitted there was a family dispute and a criminal case being Hariharpara P.S. Case No.188 of 2020 dated 12.6.2020 was registered against the family members of the victim. In retaliation, petitioner has been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner and the victim are related to one another. There was a dispute over ancestral property and an earlier criminal case was registered against the victim and her family members. There is some delay in lodging the first information report.

In view of the aforesaid, possibility of false implication of the petitioner cannot be wholly ruled out. Investigation is

complete and further detention for the purposes of investigation is not necessary.

Under such circumstances, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the learned Judge, Special Court under POCSO Act, Berhampore, Murshidabad subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Hariharpara Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

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 his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)

