

28.09.2022
tkm/ct 28
sl no. 82

C.R.M. (DB) 3350 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Shyampur P.S case no. 192 of 2022 dated 6.5.2022 under sections 376(3)/376(2)(n)/506/509 of the IPC and section 6 of the POCSO Act
and

Allowed

In Re : Abdul Halim Sardar

..... petitioner

Mr. Ayan Basu
Mr. S K Mondal
Mr. S Routh

..... for the petitioner

Ms. Anasuya Sinha
Mr. Pinak Kr. Mitra

..... for the State

Petitioner is in custody or more than seven months. It is submitted he has been falsely implicated in the instant case. No electronic evidence with regard to objectionable photograph which were taken of the victim was collected from the petitioner.

Learned lawyer for the State opposes the prayer for bail. She refers to an objectionable photograph supplied by the de facto complainant/father of the victim.

We have considered materials on record including the statement of the victim. She states petitioner had ravished her and had blackmailed her by threatening to upload objectionable videos. No electronic evidence with regard to such objectionable video has been seized from the petitioner. A picture was produced by the father of the victim girl. However, mobile phone of the parties were not seized and no investigation was made on this score.

Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner, however, subject to 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 Judge, Special court under POCSO Act Uluberia, Howrah on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate 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 Shyampur P.S until further orders except for purpose of investigating and attending court proceeding and shall provide address where she shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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) 3350 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)