

19.12.2022
Sl. No.40
akd
[ALLOWED]

C. R. M. (DB) 4458 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.12.2022 in connection with Gazole Police Station Case No.727 of 2022 dated 07.09.2022 under Sections 341/323/506 of the Indian Penal Code read with Sections 8/12 of the POCSO Act.

And

In Re: ***Samim Akhtar***

... .. Petitioner

Mr. Kalidas Saha

... .. for the petitioner

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 42 days. It is further submitted petitioner has been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for bail and submits petitioner gave indecent proposal to the minor girl. Subsequently, she was assaulted.

We have considered the materials on record. Allegation of assault is not supported by medical evidence. Keeping in mind the facts and circumstances of the case, we are of the opinion though further detention of the accused/petitioner is not necessary, his movement requires to be restricted in order to instil confidence in the mind of the victim.

Therefore, the accused/petitioner, namely ***Samim Akhtar***, 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 the POCSO Act-cum-Additional District Judge, 2nd Court, Malda

subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders 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 Gazole Police Station until further orders except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)