

16.02.2023

Item No.3

Ct.No.34

dc.

Allowed

C.R.M. (SB) 33 of 2023

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Suri Police Station Case No. 487 of 2022 dated 29.10.2022 under Section 10 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Sabiruddin Sk. @ Chottu @ Sabiruddin Sekh**

... Petitioner.

Mr. Sanjib Kumar Dan,
Mr. Saryati Datta,
Mr. Chitrak Biswas

... For the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat

... For the State.

Mr. Dan, learned advocate appearing for the petitioner submits that the petitioner is in custody for about 92 days and draws the attention of the Court to the fact that date of evidence has been fixed on 16.06.2023.

Mr. Panda, learned advocate appearing for the State opposes the prayer for bail and draws the attention of the Court to the statement recorded under Section 164 of the Code of Criminal Procedure as well as the injury report.

I have considered the submissions of the learned advocates appearing for the petitioner and the State and I am of the opinion that as evidence is to commence from the month of June 2023, further detention of the petitioner may not be warranted in the facts and circumstances of the case.

As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Sabiruddin Sk. @ Chottu @ Sabiruddin Sekh** shall be released on bail upon furnishing 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 Special Judge (POCSO Act), 2nd Court, Suri, Birbhum.

If on bail, the petitioner shall make himself available on each and every date so fixed by the learned trial court and no application under Section 205 of the Code of Criminal Procedure or under Section 317 of the Code of Criminal Procedure will be entertained by the court except in unavoidable circumstances.

The petitioner shall not leave the jurisdiction of the district of Birbhum without the prior permission of the learned Special Court.

The petitioner shall once a week report to the Inspector-in-Charge, Suri Police Station and obtain an acknowledgement.

The petitioner shall inform his residential address to the court as also the Inspector-in-Charge, Suri Police Station and in case of any change, both the authorities must be informed.

Any violation of the aforesaid conditions would entitle the learned trial court to cancel the bail of the petitioner without further reference to this Court.

The application for bail, being CRM (SB) 33 of 2023, is, thus, disposed of.

The receipt relating to information sent by Speed Post with A/D to the opposite party no.2 be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)