

15.06.2023

Sl. 20

Court No.29

Suvayan

(Allowed)

C.R.M. (DB) 2144 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No. **189 of 2022** arising out of **Kultali** P. S. Case No. **88 of 2021** dated **17.02.2021** under Sections **363/365** of the IPC which ended up in charge sheet dated **30.09.2022** under Sections **363/365/368/376(3)/376(2)(a)** of the IPC and Section **6** of the POCSO Act, 2012.

And

In the matter of: **Musaraf Fakir**

....petitioner

Mr. Angshuman Chakraorty

Mr. Shashanka Sekhar Saha

...for the petitioner.

Mr. Anwar Hossain

Mr. Palash Ch. Majhi

...for the State.

1. Heard the learned Counsel for both the parties.
2. The petitioner is stated to be a man of 20 years old and the victim is stated to be 14 years old.
3. Perused the statement of the victim recorded under Section 164 Cr.P.C. and also the medical examination report of the victim. In her statement under Section 164 Cr.P.C. the victim has made no allegation of any indecent or direct sexual assault. Though there is such allegation in her statement under Section 161 Cr.P.C. and in the medical examination report corresponding the column regarding history. Charge-sheet is stated to have been filed in the meantime.
4. Regard being had to the facts and submissions in the case, factum of permanent residence of the petitioner, statement of the victim recorded under Section 164 Cr.P.C., completion of investigation and the possibility of reforms in the petitioner, it is directed that the petitioner shall be released on bail by the learned Additional Sessions Judge, Baruipur, South 24

Parganas cum Judge, Special Court (POCSO ACT), Baruipur, South 24 Parganas in Special Case No. 189 of 2022 arising out of Kultali P.S. case No. 88 of 2021 on such terms and conditions as deemed just and proper in the facts and circumstances of the present case.

5. Accordingly, the prayer for bail of the petitioner is allowed.
6. CRM (DB) 2144 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)