

21.07.2023
Serial no. 2
[G.S.D]

CRM (SB) 147 of 2023

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Sankrail P.S. Case No. 728 of 2022 dated 08.07.2022 under Section 8 of POCSO Act corresponding to Spl TR Case No. 96 of 2022.**

-And-

In the matter of : Sk. Nasiruddin

... .. Petitioner

Mr. Mujib Ali Naskar
Mr. Syed Murshid Alam
Mr. Subrata Ghosh

... .. For the Petitioner

Mr. Tanmoy Kr. Ghosh
Mr. Asraf Mondal

... ..For the State

Mr. Sarjati Datta

... for the defacto-complainant

Learned Advocate for the petitioner submits that the petitioner is in custody for about 359 days and the next date has been fixed for supply of copies.

It has been further submitted that as there were disputes of private and personal nature, the present petitioner has been falsely implicated in connection with the instant case and, as such, on any stringent condition, he may be released on bail.

Mr. Datta, Learned Advocate, appearing for the defacto-complainant/Private O.P., opposes the prayer for bail and submits that the antecedents of the present petitioner do not qualify the present petitioner to be

released on bail, as number of cases has been registered against him and he may be said to be a habitual offender.

Learned Advocate for the State submits that the girl child is of tender age of five years. Her statement reflects the complicity of the present petitioner and the fact that the petitioner being a history sheeter, his prayer for bail should not be entertained.

I have considered the materials collected by the Investigating Agency and also the period of detention of the present petitioner.

Having regard to the period of detention, I am of the view that the further detention of the present petitioner is unwarranted in the instant case.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner viz, Sk. Nasiruddin 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 Chief Judicial Magistrate, Howrah.

If on bail, the petitioner shall attend the Court physically as and when the date is fixed before the Learned Trial Court. The petitioner shall inform his address to the Officer-in-charge/Inspector-in-charge of Sankrail Police Station and shall be available before the Sankrail P.S. as and

when called for. If the petitioner wants to leave the jurisdiction of the District of Howrah, he shall inform the Learned Trial Court before hand.

Accordingly, CRM(SB) 147 of 2023 is allowed.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)