

18.09.2023
Serial no. 3
[G.S.D]

CRM (SB) 186 of 2023

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Khanakul P.S. Case No. 547 of 2023 dated 9/8/2023 under sections 341/354A/354B/509 of the IPC, 1860 and Sections 8/12 of the POCSO Act, 2012.

-And-

In the matter of : Sk. Omar Farukh @ Sk. Amar Farukh

... .. Petitioner

Mr. Niladri Sekhar Ghosh

Ms. S. Chatterjee

Ms. L. Sikdar

... .. For the Petitioner

Mr. Swapan Banerjee

Ms. Sujata Das

Mr. Suman De

... ..*For the State*

Learned Advocate for the petitioner submits that the petitioner is in custody for about 40 days and the petitioner and the family of the victim girl are neighbours. There are disputes between the family of the victim and the petitioner and, for this reason, the petitioner has been falsely implicated in connection with the instant case.

Learned Advocate for the State opposes the prayer for bail and submits that there is a statement under Section 164 of the Cr.P.C. The investigation of the case is in progress. I have perused the Case Diary as well as the statement of the victim girl.

Having regard to the nature of the allegations, I am of the view that, on stringent conditions, the petitioner may be released on bail.

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

Accordingly, the petitioner viz, Sk. Omar Farukh @ Sk. Amar Farukh 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 Court, Arambagh/Ld. ACJM, Arambagh, Hooghly.

If on bail, the petitioner shall stay outside the district of Hooghly and inform his address to the Id. Special Court as well as the officer-in-charge/inspector-in-charge of Khanakul P.S. The petitioner shall enter the jurisdiction only for the purposes of meeting the Investigating Officer of the case twice a week. The aforesaid direction would continue for a period of six months from the date of release of the petitioner.

Accordingly, CRM(SB) 186 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.)