

23.04.2024
Serial no. 2
[G.S.D]

CRM (SB) 44 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Khanakul P.S. Case No. 01 of 2024 dated 01.01.2024 under sections 363/365/343 of the IPC, 1860 adding section 8 of the POCSO Act.**

-And-

In the matter of : Sk. Noor Islam @ Sk. Kaif

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourov Mondal
Ms. Labani Sikder
Mr. Rony Mondal

... for the petitioner

Mr. Bitasok Banerjee ... for the State

Ld. Advocate for the petitioner submits that the petitioner is in custody for about 115 days and the investigation of the case has been concluded with the charge-sheet being filed before the Id. Jurisdictional Court.

According to the Id. Advocate for the petitioner, further detention of the petitioner is unwarranted in view of the fact that there are hardly any overwhelming materials to detain the accused person in custody as the accused and the complainant were known to each other, which is the foundation of the case at the instance of the parents.

Mr. Banerjee, Id. Advocate for the State, submits a report, which may be kept with the record.

Ld. Advocate for the State submits that the petitioner is thickly involved in the offence and, at this stage, it would not be fit and proper to release the petitioner on bail.

I have perused the case diary including the statement of the victim under section 164 of the cr.p.c.

Having regard to the same, I am of the view that further detention of the petitioner is unwarranted in the facts and circumstances of the case.

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

Accordingly, the petitioner viz, Sk. Noor Islam @ Sk. Kaif 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 Id. ACJM, Arambagh.

If on bail, the petitioner shall stay outside the jurisdiction of the Sub-Division of Arambagh and shall enter the said jurisdiction only for the purposes of meeting the concerned officer deputed by the officer in charge/inspector in charge of Khanakul P.S. once in a week and for the purposes of attending the court. The petitioner shall make himself physically available before the Court on each and every date so fixed by the Id. Court and shall not in any manner or the other meet or try to meet or establish any

contact with the witnesses of the present case. Any violation of the aforesaid condition will entitle the Id. Special Court to cancel the bail without further reference to this court.

Accordingly, CRM(SB) 44 of 2024 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.)