

09.05.2024.
30.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1308 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jagatballavpur P.S. Case No.196 of 2020 dated 17.11.2020 under Sections 366/376(3) of the Indian Penal Code and Section 4 of the POCSO Act and Section 9 of the Prohibition of the Child Marriage Act, 2006.

In the matter of : **Utpal Malik.**

.... Petitioner.

Mr. Soumya Basu Roy Choudhuri.

...for the Petitioner.

Mr. Shubhomoy Bhattacharyya,
Ms. Pallavi Priyadarshee.

...for the State.

Mr. Pintu Karar,
Mr. Soupal Chatterjee,
Mr. Anupam Das.

...for the de-facto complainant.

1. Petitioner submits there are case and counter case between the parties. There is considerable delay in lodging First Information Report. Vulnerable witness has already been examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. Learned Advocate for the de-facto complainant submits associates of petitioner are threatening the de-facto complainant and his family members.
4. We have considered the materials on record. Case and counter case were registered between the parties. There is delay in lodging First Information Report. Victim has already been examined.
5. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary but his movement

requires to be restricted in order to instill confidence in the mind of the victim and other witnesses.

6. Accordingly, the petitioner viz., **Utpal Malik** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act, Howrah subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Jagatballavpur Police Station except for the purpose of court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the jurisdictional court and meet the Officer-in-charge of the concerned police station within whose jurisdiction he shall reside once in a week until further orders.

7. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

