

13.06.2024
Item no.31.
Court No.28.
S. De

CRM (DB) No. 1564 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.05.2024 in connection with Berhampore Police Station Case No. 1114 of 2023 dated 09.08.2023 under Sections 341/376D of the Indian Penal Code, 1860, Sections 4/6 of Protection of Child from Sexual Offences Act (POCSO), 2012.

And

In the matter of : Rajbul Sk. @ Rajibul Molla @ Raju Sk. &

Ors.

.....Petitioners.

] Mr. Sabir Ahmed,
Mr. Somnath Adhikary,for the Petitioners.

Mr. Soumyajit Das Mahapatra,
.....for the de facto complainant.

Mr. Arindam Sen,
Mr. Shiladitya Banerjee,
...for the State.

The charge is under Section 376(D) of the Indian Penal Code read with Section 4/6 of Protection of Child from Sexual Offences Act (POCSO), 2012.

We saw the statement of the victim girl recorded under Section 164 Cr.P.C. where she clearly implicated the present petitioners.

However, to our utter surprise, learned advocate appearing for the de facto complainant who is the mother of the victim girl, says that the complaint was lodged against the petitioners and statements were recorded by the victim girl implicating the petitioners under political pressure.

Learned advocate for the de facto complainant says that his client is present in Court and he is making submission as per specific instructions of his client.

In that view of the matter, there is no reason to detain the petitioners in custody even for a single day more.

Accordingly, we direct that the petitioners namely, **Rajbul Sk. @ Rajibul Molla @ Raju Sk., Makarul Sk. @ Makkaul Sk @ Makkaru Sk** and **Asadul Sk.** shall be released on bail upon furnishing personal bond of Rs. 5,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge under Protection of Child from Sexual Offences Act (POCSO), Berhampore, Murshidabad and on further conditions that they shall remain within the jurisdiction of the concerned police station.

The petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The victim girl is present in Court along with her mother being the de facto complainant and is represented by learned advocate, Mr. Soumyajit Das Mahapatra.

We *suo motu* issue **Rule** calling upon the victim girl and her mother to show cause as to why necessary legal proceeding shall not be initiated against them for having made false complaint and also having recorded false statement on oath before the Magistrate under Section 164 Cr.P.C.

Let this matter be listed again on **June 27, 2024**.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)