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04-07-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 1654 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Islampur Police Station** Case No. **526 of 2023** dated **16.12.2023** under Sections **376AB** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Milton Sk

.... Petitioner.

Mr. Ali Ahasan Alamgir,
Ms. S. Pal,
Ms. R. Khatoon,
Ms. J. Modak,

... For the petitioner.

Ms. S. Sinha,
Mr. Sobham Gani,

... For the State.

The petitioner says that he has been framed. He has no connection with the alleged offence under Section 6 of the POCSO Act read with Section 376AB of the Indian Penal Code. He is in custody for 200 days. Investigation is complete. His further detention is not necessary.

Learned Advocate for the State draws our attention to the statements of witnesses recorded under Section 164/161 of the Code of Criminal Procedure. She says, however, that the mother of the victim girl refused medical examination of the victim.

We have considered the statements on record. The statements *prima facie* do not reveal the commission of offence by the petitioner. Investigation is also complete. The petitioner is in custody for quite some time.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Milton Sk**, 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, Lalbagh, Murshidabad and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner 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 in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

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.)