

19.06.2024
Item no. 69.
Court No.28.
as
(Allowed)

CRM (DB) 1697 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Lallgola Police Station Case No.112 of 2024 Dated 15.02.2024 under Sections 363/365 of the Indian Penal Code with added Section 6 of the POCSO Act.

And

In the matter of : Farhad Ali.

.....Petitioner.

Mr. Ali Ahasan Alamgir
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modakfor the Petitioner.

Mr. Partha Pratim Das
Mr. Sujoy Sarkarfor the State.

Mr. Debasis Kar
Mr. ARka Tilak Bhadra
...for the de-facto complainant.

Affidavit of service filed in Court today be kept on record.

The petitioner is in custody for 121 days. He says he has been framed. He has no connection with the alleged incident. He did not kidnap the victim girl. He did not have any relationship with her.

Learned Advocate for the State produces the Case Diary. We have seen statements of the victim girl recorded under Sections 161 and 164 of the Code of Criminal Procedure. Such statements are completely contradictory and mutually destructive.

Learned Advocate for the de-facto complainant says that initially the victim girl was tutored by the petitioner's family to depose in a particular manner and that is why she had exonerated the petitioner while recording her statement under Section 164 of the Code of Criminal Procedure.

Upon an overall assessment of the material on record including the medical report and the possible extent of complicity of the petitioner in the alleged offence and considering that the charge sheet has already been filed upon completion of investigation, we are inclined to allow the petitioner's prayer.

Accordingly, we direct that the petitioner, namely **Farhad Ali** 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 condition that the petitioner shall not enter the territorial limits of Lalgola Police Station wherein the victim girl resides or without the leave of the learned Trial court, 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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails 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, being CRM (DB) 1697 of 2024,
is disposed of.

(Arijit Banerjee, J.)

(Gaurang Kanth, J.)