

04.07.2024
SL No.46
Court No.29
TN
(Allowed)

CRM (A) 2125 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Nandigram Police Station Case No.529 of 2024 dated 10.06.2024 under Section 376(2)(n) of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : **Martoja Sha @ Golam Murteja Sha.**

- petitioner.

Mr. Navanil De,
Mr. Subhrajit Dey

.... for the petitioner.

Mr. Rana Mukherjee,
Ms. Suchismita Dutta

... for the State.

1. The victim is not represented.
2. The learned Counsel for the petitioner submits that the petitioner has been falsely implicated. It is further submitted that the FIR was lodged after sixteen days from the date of alleged incident.
3. Learned APP appearing on behalf of the State has opposed the prayer. Reliance has been placed on the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the examination report.
4. Considering the materials available in the case diary and having regard to the apparent inconsistencies between the statement of the victim recorded under Section 164 CrPC and the medical report with regard to the alleged offence, we are of the view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Martoja Sha @ Golam Murteja Sha** 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 arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall not enter the jurisdiction of the police station Mohisadal, District: Purba Medinipur till the submission of the final report.
6. It is further directed that the present accused petitioner shall appear before the learned Judge, Special Court (POCSO), Haldia at Purba Midnapore in connection with Nandigram Police Station Case No. 529 of 2024 within two weeks from date and pray for regular bail.
7. The petitioner shall not leave the jurisdiction of Nandigram police station without the leave of the IO excepting for the purpose of attending court.
8. Accordingly, the application for anticipatory bail is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)