

31.7.2024
Ct. No. 06
SL No. 47
S.De/
Tanmoy

C.R.M. (DB) 2162 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Shyampur** P.S. Case No. 207 of **2022** dated **13.05.2022** under Sections 376(3)/376(2)(f)/506 of the Indian Penal Code read with Section 6 of POCSO Act.

And

In the matter of: Nur Islam Kha

Mr. Anindya Ghosh

Mr. Pronojit Roy ...for the Petitioner

Mr. Bitashok Banerjee

Ms. Srilekha Chattopadhyayfor the State

1. Petitioner submits he is the cousin of the minor victim. There is a property dispute between him and the mother of the victim. He has been falsely implicated. He prays for bail.
2. Learned advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Evidence of the minor and her mother has been recorded. During cross-examination minor admitted there is property dispute between the parties. Possibility of false implication cannot be ruled out.
4. Under such circumstances we are inclined to grant bail to the petitioner.
5. Accordingly, we direct the petitioner 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 Additional Chief Judicial Magistrate, Uluberia at Howrah subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition the petitioner shall not enter the

jurisdiction of the Shyampur police station except for attending court proceedings.

6. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.

7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)