

32.
22-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2177 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Farraka Police Station Case No.129 of 2024 dated 08-04-2024 under Sections 342/323/376(3) of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Abdul Hakim @ Abdul Halim
.... Petitioner.

Mr. Kusal Kumar Mukherjee,
Mrs. Suchismita Dutta
... For the Petitioner.

Mr. Saibal Bapuli, learned APP,
Ms. Nandini Chatterjee
... For the State.

Mr. Swapan Kumar Mallick,
Mr. Sabyasachi Mondal,
Mr. A. S. Fazlul Karim,
Mrs. Puja Naskar,
Ms. Payel Khanra
... For the victim girl.

Dictated by Arijit Banerjee, J.

Affidavit-of-Service filed in Court today be kept with the records.

The petitioner says that he has been falsely implicated. He has been in custody for 98 days. Charge sheet has been filed upon completion of investigation. His further detention is not necessary.

Prayer for bail is opposed on behalf of the State as also on behalf of the victim girl.

We have seen the material in the Case Diary. The victim girl in her statement recorded under Section 161 of the Code of Criminal Procedure says that she was violated

by the petitioner. In her statement recorded under Section 164 of the Code of Criminal Procedure, she does not say any such thing. The medical report does not support the case of violation of the victim girl by the petitioner.

On an overall assessment of the material on record and considering that the investigation is complete, we do not deem it necessary to detain the petitioner in custody any further.

Accordingly, we direct that the petitioner, namely, **Abdul Hakim @ Abdul Halim**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of learned Judge, Special Court under POCSO Act, Jangipur Murshidabad. The petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in every fortnight until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2177 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)