

27.
16-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2237 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chandipur Police Station Case No.209 of 2022 dated 12-06-22 under Sections 376(AB) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act 2012.

- A n d -

In the matter of : Sk. Safi @ Sk. Safiur Rahaman
.... Petitioner.

Mr. Amal Krishna Samanta
... For the Petitioner.

Mr. Debasish Roy, learned Public Prosecutor,
Mr. Arijit Ganguly,
Mr. Koushik Kundu
... For the State.

Dictated by Arijit Banerjee, J.

Affidavit-of-Service filed in Court today is taken on record.

The petitioner is in custody for about 2 years 2 months. He says that the victim girl has already recorded her evidence. 1 out of 14 witnesses named in the charge sheet, has been examined. It is anybody's guess as to when the trial would conclude. He prays for bail.

While opposing the prayer for bail, learned advocate for the State draws our attention to the material in the Case Diary as also the deposition of the victim girl. We have perused the same. It cannot be said that there is no incriminating material against the petitioner.

However, considering the lengthy detention of the petitioner and that the victim girl has already been examined and also that there is no possibility of early conclusion of the

trial, we are inclined to allow the prayer of the petitioner for bail.

Accordingly, we direct that the petitioner, namely, **Sk. Safi @ Sk. Safiur Rahaman**, 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 Additional Sessions Judge, 2nd Court, Tamluk-cum-Judge, Special Court (POCSO Act)-in-Charge, Purba Medinipur. 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) 2237 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.)