

09.
Court
No.28

03.09.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 2291 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Nalhati** Police Station Case **No.372/2023** dated **09.11.2023** under Section **376(2)(J)/354C** of the Indian Penal Code read with Section **6** of the POCSO Act, 2012.

And
In the matter of: - **Silon Sk. @ Mir Jaman**

Mr. Md. Asraf Ali

Mr. Manoranjan Mahata

...petitioner.
...for the petitioner.
...for the State.

Dictated by Arijit Banerjee, J.

1. From the affidavit of service filed in Court today, it appears that service has been effected on the *de facto* complainant/victim. However, nobody represents them.
2. The petitioner renews his prayer for bail which was rejected earlier by a co-ordinate Bench on January 24, 2024, in CRM (DB) 202 of 2024. The rejection was primarily on the basis that the victim girl was yet to be examined.
3. The petitioner says that the victim girl and the *de facto* complainant have both been examined by the learned Trial Court. The deposition of the victim girl has been placed before us. We find that there was clearly a relationship between the victim and the petitioner. Further, the victim girl refused medical examination.
4. In view of the material on record and since the vulnerable witnesses have been examined and also keeping in mind that

the petitioner is in custody for about 10 months, we are of the view that further custodial detention of the petitioner is not necessary. The prayer for bail is thus allowed.

5. Accordingly, we direct that the petitioner, namely, **Silon Sk. @ Mir Jaman** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under POCSO Act, Rampurhat, Birbhum, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (DB) 2291 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)