

22.08.2024
Item no.32.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2376 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Baishnabnagar Police Station Case No. 572 of 2023** dated **24.08.2023** under **Sections 341/506/34** of the Indian Penal Code and under **Section 6** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Samim Sk. @ Bulla.

.....Petitioner.

Mr. Sagar Saha,
Mr. N. Sk.for the Petitioner.

Mr. Sudip Kumar,
Mr. Mainak Gupta,for the State.

Dictated by Arijit Banerjee, J.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record. In spite of service, nobody appears for the de facto complainant/victim girl.
2. The petitioner says that he is in custody for about 1 year. He draws our attention to the depositions of the two victim girls.
3. The allegation is that the petitioner dragged the two victim girls who were returning from school to a jute field and tried to commit rape on them. One of them managed to flee. The other girl was ravished.
4. We find that both the girls declined medical examination. We also find from the statements of

witnesses recorded under Section 164 Cr.P.C. that there is enmity between the families of the victim girls and that of the petitioner. Investigation is complete. Vulnerable witnesses have been examined. We are of the view that further custodial detention of the petitioner may not be necessary.

5. Accordingly, we direct that the petitioner, namely **Samim Sk. @ Bulla** 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 Judge, Special Court (under POCSO Act), Malda and on further conditions that he shall not enter the jurisdiction of Baishnabnagar Police Station within the district of Malda except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer-in-Charge of the concerned police station within whose jurisdiction he shall presently reside once in a fortnight until further orders.
6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable

cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)