

29.08.2024
Item no.33.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2443 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Howrah Women Police Station Case No. 15 of 2024** dated **18.04.2023** under **Sections 363/366A/342/376(2)(n)/506/34** of the Indian Penal Code and under **Sections 6/7** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Sk. Megdad Ali @ Sk. Mekdad Ali.

.....Petitioner.

Mr. Tauhid Khanfor the Petitioner.

Mr. Rudradipta Nandy, Ld. APP,
Ms. Sanjida Sultana,for the State.

Mr. Somnath Adhikary,
...for the de facto complainant.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner has been falsely implicated. Since there was a love relation between the victim and himself and further they married each other subsequent to filing of the instant case, the petitioner may be granted bail on any condition.
2. Learned advocate for the de facto complainant has submitted that both the parties are residing in the house of the petitioner and he has instruction not to oppose the prayer for bail.

3. Learned counsel for the State opposes the prayer for bail. However, he left the matter to the discretion of the Court.
4. Considering the submission and the material-on-record in the case diary, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Sk. Megdad Ali @ Sk. Mekdad Ali** 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), Howrah and on further conditions that he shall not leave the jurisdiction of the concerned police station.
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.)