

50.
22-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2473 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Paikar Police Station Case No.62 of 2024 dated 06-03-2024 under Sections 363/376D and 120B of the Indian Penal Code and Section 6(1) of Protection of Children from Sexual Offences Act (POCSO).

- A n d -

In the matter of : Raja Sk. @ Raja Sekh

.... Petitioner.

Mr. Prosenjit Mukherjee,
Mr. Jahangir Hossain

... For the Petitioner.

Mr. Saibal Bapuli,
Mr. Tirthankar Dhali

... For the State.

Dictated by Apurba Sinha Ray, J.

Affidavit-of-Service filed in Court today be taken on record. In spite of service, no one appears on behalf of the defacto complainant/victim.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. There is no incriminating material against the present petitioner either in the medical report or in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Considering his period of detention, the petitioner may be enlarged on bail on any condition.

Learned advocate for the State says that on June 06, 2024, this Bench rejected the bail application of a co-accused. Further, there is sufficient incriminating material in the statements of the witnesses recorded under Section 161 as well as Section 164 of the Code of Criminal Procedure. He has also relied upon the medical report of the victim.

We have considered the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. We find that there is no whisper about any forcible sexual intercourse between the petitioner and the victim. We also considered the medical report which is also not supporting the prosecution case. As the investigation is complete, we are of the opinion that there is no need for further detention of the petitioner in custody.

Accordingly, we direct that the petitioner, namely, **Raja Sk. @ Raja Sekh**, 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 learned Judge, Special Court (POCSO), Rampurhat, Birbhum. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of the district Birbhum, except for the purpose of attending the court proceedings and meeting the Officer-in-Charge of Paikar Police Station, until further orders. The petitioner shall report to the Officer-in-Charge of Paikar Police Station once every fortnight, until further orders. The petitioner, through his learned advocate, shall inform the learned trial Court as well as the Officer-in-Charge of Paikar Police Station his present local address where he would be residing while on bail.

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) 2473 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)