

CRM (DB) 2475 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Beldanga Police Station** Case No. **521 of 2021** dated **06.10.2021** under Sections **363/365/376/420/34** of the Indian Penal Code read with Sections 4/8/10 of the POCSO Act.

- A n d -

In the matter of : Selim Sk.

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. S. Biswas,
Mr. P. Bose,

... For the Petitioner.

Mr. Anasuya Sinha,
Mrs. Trina Mitra,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he has been framed in this matter. There was a love affair between the victim girl and the petitioner. They also got married. He is in custody for two years and ten months. The victim girl in her evidence recorded before the learned Trial Court does not make any allegation of any kind of sexual assault by the petitioner.

2. While opposing the prayer for bail, learned Advocate for the State says that the petitioner induced the victim girl to enter into matrimonial relationship by making fraudulent misrepresentation. There is sufficient incriminating evidence against the petitioner.

3. We have seen the deposition of the victim girl. *Prima facie* the same does not help the prosecution case very much. The victim girl also refused medical examination.

4. On an overall assessment of the material on record and given the lengthy period of detention of the petitioner and also because the vulnerable witnesses have been examined, we are of the view that further custodial detention of the petitioner is not necessary.

5. Accordingly, we direct that the petitioner, namely, **Selim Sk.**, 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 Special Judge under the POCSO Act, Berhampore, Murshidabad and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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.

6. 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.

7. The application for bail is, accordingly, allowed.

8. 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.)