

19.09.2024
Item no.18.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2542 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 **Hariharpara Police Station Case No. 534 of 2023** dated **30.11.2023** under **Sections 376/511** of the Indian Penal Code 1860 read with **Sections 4/8 and 18** of the Protection of Children from Sexual Offences Act (POSCO), 2012.

And

**In the matter of : Shilon Mal @ Shilan Malpaharia.
.....Petitioner.**

Mr. Ali Absan Alamgir,
Ms. Rabia Khatoon,
Ms. Soma Mal,
Ms. June Modak,for the Petitioner.

Mr. Arnab Chatterjee,
Mr. S. Nandy,for the State.

Syed Ul Jaman, ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner is in custody for more than 8 months.
He says that he has been falsely implicated.
2. We have seen the statement of the victim girl. The medical report also does not indicate any injury.
3. The State and the de facto complainant oppose the prayer for bail.
4. On an overall consideration of the facts and circumstances of the case, the material-on-record as also keeping in mind that investigation is complete, charge-sheet has been submitted and that the

petitioner has been in custody for quite some time, we allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely **Shilon Mal @ Shilan Malpaharia** 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), Murshidabad at Berhampore, and on further conditions that he shall not enter the jurisdiction of the Hariharpara police station except for the purpose of attending Court proceedings and shall also furnish the address where he will be residing to the Officer-in-Charge in whose jurisdiction he will be residing and shall also appear before such Officer-in-Charge 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.)