

22.08.2024  
Item no.85.  
Court No.28.  
S. De  
(Allowed)

**CRM (DB) No. 2613 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Suri Police Station Case No. 240 of 2024** dated **04.05.2024** under **Section 306** of the Indian Penal Code and under **Section 4** of the Protection of Children from Sexual Offences Act, 2012.

And

**In the matter of : Md. Nur Islam @ Samrat.**

**.....Petitioner.**

Mr. Sarjati Datta,  
Mr. Sanjib Kr. Dan,  
Mr. Chitrak Biswas, .....for the Petitioner.

Mr. Binoy Kumar Panda,  
Mr. Prakash Mishra, .....for the State.

Ms. Minoti Gomes,  
Md. Hafiz Ali, ...for the de facto complainant.

**Dictated by Arijit Banerjee, J.**

1. The charge is under Section 306 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act. The petitioner says that he has been falsely implicated. The victim girl and the petitioner had an affair. Upon the petitioner denying to marry the victim girl, she killed herself. The petitioner is in custody for 85 days. Charge-sheet has been submitted upon completion of investigation. He prays for bail.

2. Learned advocates for the State and the de facto complainant, while opposing the prayer for bail, draw our attention to the statement of the victim's friend recorded under Section 164 Cr.P.C. The allegations are general. There is no suicide note.
3. Upon an overall assessment of the material-on-record and considering that investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary.
1. Accordingly, we direct that the petitioner, namely **Md. Nur Islam @ Samrat** 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), Suri, Birbhum 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.
2. 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.
3. 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.

4. The application for bail is, accordingly, allowed.
5. 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.)**