

28.08.2024

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jb.
jdt.
Allowed

C.R.M. (SB) 113 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Manikchak Police Station Case No. 407 of 2024 dated 10.06.2024 under Sections 10/17 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 509/506/34 of the Indian Penal Code.

And

In Re : **Bifal Rajak**

... Petitioner.

Mr. Sagar Saha

... For the Petitioner.

Ms. Atulya Sinha

... For the State.

Mr. Sayantan Hazra ... For the *de facto* complainant

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He is in custody for about 48 days after voluntarily surrendering before the learned Magistrate.

Learned counsel for the *de facto* complainant submits that the petitioner surrendered before the learned Magistrate only after rejection of his anticipatory bail.

Learned counsel for the State produces the case diary and opposes the prayer for bail. She submits that investigation is still in progress and statement of the victim girl has been recorded under Section 164 of the Code of Criminal Procedure.

I have considered the submission made on behalf of the parties and material on record.

The case diary reveals that there has been no further progress of investigation of the case after 7th July, 2024. The petitioner is in custody for about 48 days.

Considering the material on record particularly the period of detention of the petitioner and the maximum punishment awarded for the alleged offences, I am inclined to hold that further detention of the petitioner is not required for the purpose of investigation. Accordingly, prayer for bail is allowed.

The petitioner namely Bifal Rajak shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, Additional District Judge, 2nd Court, Malda subject to condition that he shall remain outside the jurisdiction of Manikchak Police Station until further orders and shall furnish the present address where he shall reside before the learned Magistrate, the investigating officer, and the officer-in-charge of the concerned police station under which he shall presently reside. The petitioner shall enter the jurisdiction of Manikchak police station only for the purpose of appearing before the investigating officer as and when called for and appearing before the learned Court on every date of hearing. He shall not tamper with the evidence and intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with any of conditions stated above, the learned 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 (SB) 113 of 2024, is, thus, disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)