

79.
03-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2796 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Burwan Police Station Case No.137 of 2024 dated 16-03-2024 under Sections 343/363/366/376(2)/109 of the Indian Penal Code and Sections 6/17 of Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Mitul Sk @ Jahiruddin Sk

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Sujoy Sarkar,
Mr. Rahul Chachan

... For the Petitioner.

Mr. Suman De,
Ms. Puspita Saha

... For the State.

Dictated by Arijit Banerjee, J.

Affidavit of Service filed in Court today be kept with the records. In spite of service, nobody appears for the defacto complainant/victim.

The petitioner says that he has been falsely implicated. He is the unfortunate father of the minor boy who eloped with the victim girl who was about 14 years and 6 months old at the time of the incident. He is in custody for more than two and a half months. Charge sheet has been submitted upon completion of investigation. He prays for bail.

We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. She clearly states that she left home on her own volition. In other words, she exonerates all accused persons.

In view of the aforesaid and in view of the fact that investigation is complete, we allow the prayer of the petitioner for bail.

Accordingly, we direct that the petitioner, namely, **Mitul Sk @ Jahiruddin Sk**, 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 under POCSO Act, Kandi, Murshidabad. The petitioner shall appear before the learned 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. The petitioner shall remain within the jurisdiction of local police station and report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in every fortnight, until further orders.

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) 2796 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)