

19. 07.10.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2863 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Tarakeshwar** Police Station Case No. **121/2023** dated **28.3.2023** under Sections **376(2)9n)/376(3)/448/506** of the Indian Penal Code, 1860 read with Sections **6(i)** of POCSO Act.

And

In the matter of: - **Sekh Safikul Islam @ Sk. Mintu**

...petitioner.

Mr. Bitasok Banerjee
Mr. Abdus Salam

...for the petitioner.

Mr. Subhamoy Bhattacharya
Mr. Sobhan Gani

...for State.

Ms. Afreen Begum

...for the *de facto* complainant
(through Legal Aid)

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than 500 days. Only six out of 22 charge-sheet named witnesses have been examined. The medical report does not support the prosecution case. He has been falsely implicated for political reasons. He renews his prayer for bail which was last rejected on March 5, 2024, in CRM (DB) 406 of 2024.
2. While opposing the prayer for bail learned Advocates for the State and the *de facto* complainant draw our attention to the deposition of the victim girl as also to the medical report. *Prima facie*, the medical report does not support the victim girl's deposition.
3. In view of the aforesaid and considering the lengthy detention of the petitioner and also seeing that an early conclusion of

the trial is very unlikely, we are inclined to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Sekh Safikul Islam @ Sk. Mintu** 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 the learned Additional Sessions Judge, POCSO Court, Chandernagore, Hooghly OR the learned Additional Chief Judicial Magistrate, Chandernagore, Hooghly, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (DB) 2863 of 2024 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)