

33.
04-10-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 3004 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Manikchak Police Station Case No.517 of 2022 dated 12-09-2022 under Section 4 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Faridul Momin

.... Petitioner.

Mr. Md. Wasim Akram,
Ms. Reshmi Khatun

... For the Petitioner.

Mr. Rana Mukherjee, learned APP,
Mr. Prakash Mishra

... For the State.

Dictated by Arijit Banerjee, J.

Service report filed by the State in Court today be taken on record. In spite of service, none appears on behalf of the victim/defacto complainant.

The petitioner renews his prayer for bail which was rejected earlier on two occasions and lastly on January 11, 2023. He says that he is in custody for over two years. Not a single witness has been examined fully. He has been falsely implicated. There is no incriminating material against him.

Opposing the prayer for bail, learned Additional Public Prosecutor draws our attention to the statement of the

victim girl. She does implicate the petitioner. However, she refused medical examination.

We see that the victim girl only has been examined in part. There are 16 charge sheet named witnesses. It is very unlikely that the trial will conclude at an early date.

On an overall consideration of the material on record and considering the prolonged incarceration of the petitioner, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Faridul Momin**, 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, Additional District Judge, 2nd Court, Malda. 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 the local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the learned trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 3004 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)