

26.11.2024
Item no.13.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3111 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Sagardighi Police Station Case No. 355 of 2021** dated **17.09.2021** under **Section 363** of the Indian Penal Code and **Section 6** of the Protection of Children from Sexual Offences Act (POSCO), 2012.

And

In the matter of : Safikul Sk. @ Sofikul Sk.

.....Petitioner.

Mr. Shabana Hasin,
Ms. Samima Akter,
Ms. Neha Ray,for the Petitioner.

Mr. Debobroto Chatterjee,
Md. Ejaz Akhter,for the State

Mr. Manas Kr. Das,
.....for the de facto complainant.

Dictated by Apurba Sinha Ray, J.

1. Learned counsel for the petitioner submits that the petitioner is in custody for about 214 days. Investigation is complete. Chargesheet is submitted and as such there is no need for further detention of the present petitioner. He, however, also submits that the victim gave birth to a child. The victim is now aged about 19 years. The petitioner may be granted bail on any condition.
2. Learned counsel appearing for the de facto complainant submits that he has no objection if the

present petitioner is granted bail since the victim gave birth to a child.

3. Learned counsel for the State has left the matter to the discretion of this Court. However, he submits that investigation is complete. Chargesheet is submitted before the learned Trial Court.
4. In view of the above and as the investigation is complete, we are inclined to allow the petitioner's prayer for bail, at this stage.
5. Accordingly, we direct that the petitioner, namely, **Safikul Sk. @ Sofikul Sk** 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), Jangipur, Murshidabad 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.
6. 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.
7. 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.

8. The application for bail is, accordingly, allowed.
9. 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.)