

04.12.2024  
Item no.33.  
Court No.29.  
S. De  
(Allowed)

**CRM (DB) No. 3349 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 **Kaliyaganj Police Station Case No. 305 of 2024** dated **23.07.2024** under **Sections 65(2)/351(2) of the Bharatiya Nayaya Sanhita read with Section 6/17** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

**In the matter of : Akram Ali.**

**.....Petitioner.**

Ms. Priya Chakraborty, .....for the Petitioners.

Mr. Debasish Roy, Ld. P.P.

Mr. Bidyut Kr. Ray,

Ms. Manisha Sharma, .....for the State

**Dictated by Arijit Banerjee, J.**

1. Service report filed by the State be kept with the records. In spite of service, nobody appears for the de facto complainant.
2. The petitioner says that he is the uncle of the victim girl. He has been falsely implicated because of property disputes between the two families. He is in custody for 110 days. Investigation is complete. Chargesheet has been filed. He prays for bail.
3. Learned advocate for the State, while opposing the prayer for bail, draws our attention to the statement of the victim girl recorded under Section 164 Cr.P.C. She does not say much. There is also no medical

report. However, there is a letter written by the examining doctor to the I.C., Kaliyaganj P.S. The contents of the letter, prima facie, do not support the prosecution case.

4. In view of the aforesaid, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Akram Ali** 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), Raiganj, Uttar Dinajpur subject to the conditions that he shall remain within the jurisdiction of the Raiganj police station and shall meet to the Officer-in-Charge/Inspector-in-Charge of the Raiganj police station once in a week 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.)**