

02.09.2025
Item no.17
Court No.42
AN

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

**CRAN 1 of 2025
in
C.R.M.(DB) 3734 of 2024**

In Re: An application for relaxation of the conditions of bail under Section 439(1)(b) of the Code of Criminal Procedure, 1973 read with Section 483(1)(b) of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Amta Police Station Case No.285 of 2022 dated 29.08.2022 punishable under Section 376(2)(f) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 pending before the learned Judge, Special Court (under POCSO Act), Uluberia, Howrah.

In Re : **Nur Islam Mallick @ Kalu Mallick @ Islam Mallick**
.... Petitioner

Mr. Suman Chakraborty

...for the petitioner

Ms. Debolina Das

... for the State

Mr. Amit Roy

... for *de facto* complainant

1. Report filed by the State is taken on record.
2. The Hon'ble Division Bench in CRM(DB) 3734 of 2024 passed the following order on 24.12.2024 which is reproduced hereunder:

"6. Accordingly, we direct that the petitioner, namely, Nur Islam Mallick @ Kalu Mallick @ Islam Mallick shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Judge, Special Court (under POCSO Act), Uluberia, 3 Howrah subject to the conditions 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 Nararik Suraksha Sanhita, 2023, and on further condition that the petitioner shall not enter the territorial

jurisdiction of Amta Police Station unless such condition has been relaxed by the learned Trial Court on cogent reason and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.”

3. From the aforesaid, it manifest that the Hon’ble Division Bench has imposed condition that the petitioner shall not enter the territorial jurisdiction of Amta Police Station unless such condition has been relaxed by the learned Trial Court on cogent reason. The petitioner has sought for relaxation of the said condition before this Court, which should have made before the learned trial court.
4. At this stage, learned counsel appearing for the petitioner seeks to withdraw this application with liberty to approach the learned trial court.
5. In view of the above, the application being **CRAN 1 of 2025** stands dismissed as withdrawn with liberty to the petitioner to approach the learned trial court.

(Bivas Pattanayak, J.)