

48.
24-12-2024
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3750 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kandi Police Station Case No.406 of 2024 dated 20-08-2024 under Sections 137(2)/140(3)/351(3)/3(5)/64(1) of the Bharatiya Nyaya Sanhita and Section 4 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Abdul Ohad Sk. @ Abdul Ahid Sk.

.... Petitioner.

Mr. Jisan Iqubal Hossain,
Ms. Chandrima Debnath

... For the Petitioner.

Mr. Suman De,
Ms. Trina Mitra

... For the State.

Dictated by Partha Sarathi Sen, J.

1. Report filed by the State today in terms of the order dated November 14, 2024 is taken on record.

2. In support of this application for bail, it is submitted on behalf of the petitioner that the present accused petitioner has been falsely implicated in the instant case and, thus, the instant application for bail may be considered favourably.

3. Prayer for bail is opposed on behalf of the State. As recorded in the order dated November 14, 2024 passed by a coordinate Bench, the defacto complainant supports the case of the petitioner.

4. On perusal of the entire material in the Case Diary, especially the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure, we do not *prima facie* find any much incriminating material to attract the provisions of Section 4 of the POCSO Act as against the

present accused petitioner. Accordingly, we are inclined to allow the prayer of the petitioner for bail.

5. Accordingly, we direct that the petitioner, namely, **Abdul Ohad Sk. @ Abdul Ahid Sk.**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of learned Judge, Special Court under POCSO Act, Kandi, Murshidabad. The petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in every fortnight until further orders.

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

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)