

CRM (DB) 132 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Hariharpara Police Station** Case No. **684 of 2024** dated **30.09.2024** under Sections **376(2)(n)/506** of the Indian Penal Code and Sections 11(iv)(v) of the POCSO Act.

- A n d -

In the matter of : Alomgir Sk @ Jadu Sk @ Madhu

.... Petitioner.

Mr. Ali Ahsan Alamgir,
Mr. Soma Mal,
Ms. Rabia Khatoon,
Ms. J. Modak,

... For the Petitioner.

Mr. Partha Pratim Das,
Mr. S. Gani,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. The petitioner says that he has been falsely implicated in this case. However, investigation is complete. He is in custody for about 98 days. The victim girl refused to undergo any medical examination. As the investigation is complete, there is no need for his further custodial detention.
2. From the affidavit of service filed in court today, we find that the defacto complainant/victim girl has received notice of this bail application. However, nobody represents the victim girl.
3. Learned State Advocate opposes the bail prayer. He has drawn attention of this court to the statement of the victim girl recorded under Section 164 of the Criminal Procedure Code.
4. We have considered the materials on record including the statement of the victim girl recorded under Section 164 of the Code. The victim girl refused to undergo medical examination. The investigation is complete. We find that this is a fit case for granting bail to the petitioner on certain conditions.

5. Accordingly, we direct that the petitioner, namely, **Alomgir Sk @ Jadu Sk @ Madhu**, 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 Special Judge under the POCSO Act, Berhampore, Murahidabad subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the Hariharpara police station excepting for the purpose of attending court proceeding and shall meet the O.C of the concerned police station once every fortnight until further orders.

6. 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.

7. The application for bail is, accordingly, allowed.

8. 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.)**