

33.
17-02-2025
(ct. no.29)
pg/RUP
(allowed)

CRM (DB) 269 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Malda Police Station Case No.733 of 2024 dated 18-10-2024 under Sections 78/329(4)/351(2)/64(2)(m) of the Bhartiya Nyaya Sanhita, 2023 and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

- A n d -

In the matter of : Md. Sadikul Islam

.... Petitioner.

Mr. Md. Wasim Akram

... For the Petitioner

Mr. Md. Adil Bade, Jr. Govt. Adv.,
Ms. Sudeshna Das

... For the State

Mr. Biswajit Tiwari

... For the de facto complainant

Dictated by Arijit Banerjee, J.

1. The petitioner says that there was an amorous relationship between him and the victim girl. The girl was about 17 years 10 months of age at the time of the alleged incident. The petitioner is about 24 years old.

2. Both the families knew about the relationship. Upon the petitioner denying to marry the girl, this false complainant has been lodged. He is in judicial custody for four months. Investigation is complete. He prays for bail.

3. Opposing the prayer, learned advocates for the State and the de facto complainant draw out attention to the material in the case diary.

4. We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. The same is sketchy. The medical report prima facie does not support the prosecution case.

5. On an overall consideration of the materials on record and the fact that investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary.

6. Accordingly, we direct that the petitioner, namely, **Md. Sadikul Islam**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional District Judge, 2nd Court-cum-Judge, Special Court, under POCSO Act, Malda. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not also commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

7. 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.

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

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

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)