

13.03.2025
Item no. 45.
Court No.29.
AB
(Allowed)

CRM (DB) 607 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sankrail Police Station Case No.390 of 2024 Dated 25.05.2024 under Section 6 of the POCSO Act

And

In the matter of : Hasan Ali Sha

.....Petitioner.

Md. Wasim Akram,
Ms. Sabrina Parveenfor the Petitioner.

Ms. Sukanya Bhattacharya,
Mr. S. Baliyalfor the State.

Ms. Reshmi Khatunfor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. There was a longstanding affair between him and the victim girl, who is 16 years of age. Out of misunderstanding between the two families, the present false complaint has been lodged. The petitioner and the victim girl had a consensual physical relationship. They have a male child. The two families have come to an understanding that once the victim girl attains marriageable age, the two will get married.
2. Learned Advocate appears for the defacto complainant and says that she has instructions not to oppose this bail petition.

3. Learned State Advocate, while opposing the bail prayer, says that trial has started. However, she leaves the matter to the discretion of the Court.
4. In view of what we have recorded above, we are of the opinion that further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely **HASAN ALI SHA** 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 the POCSO Act at Howrah, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer in charge of the concerned 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 and/or commit any cognizable offence 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.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)