

25.03.2025
Item no. 36.
Court No.29.
AB
(Allowed)

CRM (DB) 661 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 Kharagpur (Local) Police Station Case No.225 of 2022 Dated 28.03.2022 under Sections 363/365/342/376(3) of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Akbar Mallick

.....Petitioner.

Mr. Amit Ranjan Pati,
Ms. Hareem Fatema,
Ms. Mehelee Chattopadhyay,
Mr. Khadijatul Kubrafor the Petitioner.

Mr. Saibal Bapuli, Id. APP
Mr. Prakash Mishrafor the State.

Mr. Navanil Defor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. There was an amorous relationship between him and the victim girl. He is in custody for close to two years. He prays for bail both on the ground of delay and on merits.
2. Opposing the prayer for bail, learned State Counsel and learned Advocate for the defacto complainant tell us that the victim girl was kidnapped by the petitioner and his accomplices. She was detained in a secluded house for 15 days where she was repeatedly ravished. Then the petitioner and his friends took the victim girl to the police station.

3. We have seen the deposition of the victim girl recorded before the learned Trial Court. We find that the victim girl refused to undergo medical examination. We also find that no general diary or police complaint was lodged by the defacto complainant though the victim girl was allegedly missing for 15 days. This is, to say the least, quite unusual.
4. On an overall assessment of the material on record, we are of the view that the possibility of false implication cannot be ruled out. The vulnerable witnesses have already been examined. The petitioner is in custody for almost two years. In our considered opinion, the petitioner's further custodial detention is not necessary.
5. Accordingly, we direct that the petitioner, namely **AKBAR MALLICK** 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 Paschim Medinipur, and on further conditions that he shall not enter the jurisdiction of Kharagpur (Local) Police Station except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the Kharagpur (Local) Police Station as well as the Investigating Officer and shall meet the Officer in Charge/Inspector in Charge of the concerned police station within whose jurisdiction he shall presently reside 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 observations made in this order are only for the purpose of disposing of this bail application and shall not have any bearing on the trial.
10. 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.)