

CRM (DB) 3617 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Kandi Police Station** Case No. **42 of 2023** dated **01.02.2023** under Sections **376(2)(n)/363/365** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Alamgir Sk @ Riton @ Alamgir Mollick

.... Petitioner.

Mr. Kallon Kumar Basu,
Mr. J. Ul Firdous,

... For the Petitioner.

Mr. Arijit Ganguly,
Ms. Baishakhi Chatterjee,

... For the State.

Mr. M. H. Chowdhury,
Ms. Chandrima Debnath,

... for the defacto complainant.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail which was last rejected on merits on March 20, 2024. At that time the victim girl was yet to be examined.
2. The petitioner says that he is in custody for about a year. There was a love relationship between the petitioner and the victim girl. The relationship having turned sour, this false complaint was lodged at the instance of the victim girl's family. The medical report does not support the prosecution case.
3. Opposing the prayer for bail, learned Advocates for the State and the defacto complainant draw our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure and to the medical report. The girl in her

statement recorded under Section 164 of the Code of Criminal Procedure as also in her deposition clearly admits that there was an amorous relationship between her and the petitioner. The medical report does not support the prosecution case to any extent. The vulnerable witnesses have also been examined.

4. In view of the aforesaid, considering the period of detention of the petitioner, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Alamgir Sk @ Riton @ Alamgir Mollick**, 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, Murshidabad 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 learned Trial Court without prior permission and shall not enter within the jurisdiction of Kandi Police Station and shall provide his current address where he will reside to the jurisdiction of the concerned police station shall meet the officer-in-charge of the concerned police station once in a week 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.

(Ajay Kumar Gupta, J.)

(Arijit Banerjee, J.)