

32.
20-01-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3978 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chanchal Police Station Case No.241 of 2020 dated 27-02-2020 under Sections 498A/323/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act and Sections 4/8 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Rokibul @ Rakibul Hoque & Anr.

.... Petitioners.

Mr. Arup Kumar Bhowmick

... For the Petitioners.

Ms. Subhasree Patel,
Ms. Suparna Chatterjee

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioners say that they have been falsely implicated. They have no connection with the alleged crime of penetrative sexual assault on the victim. The investigation is complete. They are in custody for six months twenty days. Their further custodial detention is unnecessary.

2. We see from the service report that the defacto complainant refused to accept service. Let the service report be kept with the records.

3. Learned State advocate, while opposing the prayer for bail, draws our attention to the material in the Case Diary. We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. It is a bald

statement. The victim girl refused to undergo medical examination.

4. On an overall assessment of the facts and circumstances of the case and considering that the investigation is complete culminating in submission of charge sheet, we are of the view that further custodial detention of the petitioners is not necessary.

5. Accordingly, we direct that the petitioners, namely, **Rokibul @ Rakibul Hoque** and **Sakir Ali @ Saker Hossain**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under POCSO Act, Chanchal, Malda. The petitioners shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioners shall not enter the jurisdiction of Gazole Police Station except for the purpose of attending the court proceedings and shall, through their learned counsel, furnish their current local address where they shall be residing while on bail, to the learned trial Court and the Officer-in-Charge/Inspector-in-Charge in whose jurisdiction they shall be residing and the Officer-in-Charge/Inspector-in-Charge of Chanchal Police Station and shall appear before the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station where they shall be residing while on bail once in a week, until further orders.

6. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the learned trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

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

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

9. 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.)