

CRM (DB) 4127 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 **Pukhuria Police Station** Case No. **409 of 2024** dated **20.07.2024** under Sections **137(2)/140(3)/351(2)** of the BNS and Section 4 of the POCSO Act.

- A n d -

In the matter of : Ali Hossain Nadap

.... Petitioner.

Mr. B. Bhattacharyya,
Mr. A. Sarkar,
Mr. S. Pakrashy,

... For the Petitioner.

Mr. Bitasok Banerjee,
Ms. Puja Goswami,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Service report filed by the State be kept with the records.
2. In spite of service, none appears for the defacto complainant/victim.
3. The petitioner says that he is in custody for about seven months. There was admittedly an amorous relationship between him and the victim girl. The victim girl on her own volition left with him. After one night she returned to her parent's house. She recorded a statement under Section 161 of the Criminal Procedure Code admitting the relationship. He prays for bail.
4. Opposing the bail prayer, learned State Advocate draws our attention to the statement of the victim girl recorded under Section 164 of the Criminal Procedure Code. The statement is extremely cryptic and not so clear. Medical examination was refused by the victim girl.
5. On an overall assessment of the material on record and considering the period of detention already undergone by the

petitioner, we are of the view that further custodial detention of the present petitioner is not necessary.

6. Accordingly, we direct that the petitioner, namely, **Ali Hossain Nadap**, 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, Chanchal, Malda 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 English Bazar police station except for the purpose of attending court proceeding and shall meet the I.C of the concerned police station once every week until further orders.

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.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**