

3 Court 8
sg 16-09-2020

C.R.M. 6421 of 2020
IA No. CRAN 1 of 2020
(Via Video Conference)

Allowed

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sameserganj Police Station Case No. 127 of 2019 dated 30.05.2019 under sections 344, 366A, 363, 376, 370(A), 120B, 511, 372, 373 of the Indian Penal Code and Immoral Traffic (Prevention) Act, Sections 3, 4, 5, 6, 7(1A) and 9, Juvenile Justice (Care and Protection of Children) Act, Section 23 of Prevention of Child from Sexual Offences Act, Sec. 4 and 6

Litu Sk @ Alamgir
Versus
State of West Bengal

Sk. Jakir Hossain, Adv.

...for the petitioner.

Mr. Bidyut Kr. Roy, Adv.
Miss. Rita Datta, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

Accordingly, CRAN 1 of 2020 is disposed of.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner's name does not transpire clearly as having any complicity in the alleged crime. He is in custody for about 204 days. Charge-sheet has already been filed.

Learned Counsel appearing on behalf of the State opposes the prayer for bail and submits as follows. He refers to the statement of a victim recorded under Section 164 of the Code. However, the said victim appears to be major. Another statement of a 17 years old girl under Section 161 of the Code has been recorded taking the name of the petitioner. However, her statement was not recorded under Section 164 of the Code.

Considering the role ascribed to the present petitioner, the length of custody already suffered by him and the fact that charge-sheet has already been submitted in this case, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom shall be local, to the satisfaction of the learned Special Judge under POCSO Act, at Murshidabad, on condition that the petitioner shall regularly attend the Court and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Samserganj Police Station except for attending the court or for meeting the investigating officer.

In the event, the petitioner fails to appear before the trial court regularly, the trial court shall be at liberty to cancel his bail without further reference to this Court.

The application for bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)

(Soumen Sen, J.)