

16-10-2020
k.b/b.r.
Item no.31
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 7950 of 2020

Kamal Gupta

-vs-

The State of West Bengal

(Via video conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with Special Case No. 31 of 2020 which arose out of Ultadanga P.S. Case No. 131 of 2020 dated 30.06.2020 under Sections 363/366A/376(2)(n)/212/120B of the IPC with Sections 6 and 17 of the POCSO Act.

Mr. Milan Mukherjee
Mr. Biswajit Manna ...for the petitioner.

Mr. Prasun Kumar Datta
Mr. Pradipta Ganguly ... for the State.

Mr. Sumanta Ganguly for the de facto complainant.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition 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 No.1 of 2020 is disposed of.

It is submitted by the learned advocate for the petitioner, Mr. Milan Mukherjee, Senior Advocate that the petitioner has been falsely implicated in this case being father of the principal accused, who is still in custody. It is further submitted that the petitioner is in custody since 6th August, 2020.

Learned advocate, Mr. Prosun Datta representing the State opposes the prayer for bail submitting that the petitioner happens to be to the abettor of the offence and for his instigation the entire offence was committed.

Ld. Advocate representing de facto complainant lending support to the submission of State contends that with the active support of petitioner/father, the entire offence was chalked out and he should not be released on bail.

Our attention is drawn to the statement of the victim recorded under Section 164 CrPC. Having considered the materials already collected in the Case Diary and bearing in mind the submission in context with the allegation, and further in particular the statement of the victim girl recorded under Section 164 CrPC, we are of the view that the further detention of the petitioner, who is the father of the principal accused is not justified.

Hence the prayer for bail is allowed.

Accordingly, we therefore to grant bail to the petitioner subject to the satisfaction of the learned Chief Judicial Magistrate, Sealdah upon furnishing a bond of Rs.10,000/- (Rs Ten thousand only) with two sureties each of like amount and, on condition that the petitioner shall not tamper with the evidence and/or intimidate the witness in any manner whatsoever.

Accordingly, the application for bail, being CRM No. 7950 of 2020 stands disposed of.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent xerox certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Subhasis Dasgupta, J.]

[Subrata Talukdar, J.]

