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CRM 9126 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Howrah (Women) P.S. Case No.09 of 2020 dated 02.05.2020 under Sections 376(3)/506 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In the matter of: Laxmikanta Das @ Lakshmi Kanta Das @ Gobindo Das

....Petitioner.

Mr. Sourav Chatterjee
Mr. A. Tiwari

...for the Petitioner.

Mr. Bidyut Kr. Roy
Ms. Rita Datta

...for the State.

It is submitted there are pending disputes between the parties and he has been falsely implicated in the instant case. He is in custody for 217 days.

Learned lawyer for the State submits that petitioner is a relation of the minor girl who was sexually assaulted.

We have considered the materials on record. Keeping in mind the facts and circumstances in the light of the submission that there is pre-existing enmity between the parties and as possibility of false allegation on such score cannot be wholly ruled out, we are inclined to grant bail, however, subject to strict conditions.

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 must be local, to the

satisfaction of the learned Judge, Special Court under POCSO Act cum Additional Sessions Judge, 2nd Court, Howrah subject to condition that the petitioners shall appear before the 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 and on further condition that the petitioner shall not enter the within the jurisdiction of Howrah (Woman) P.S. until further orders except for the purposes of attending court proceedings and shall report to the Officer in charge of the concerned P.S. within whose jurisdiction he shall presently reside once in a week until further orders.

In the event the petitioner fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)