

15.01.2021
Item No.36
Ct.No.28
dc.
Allowed

C.R.M. 344 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Sahadeb Maity ... Petitioner.

Ms. Subhasree Patel,
Mr. Soham Banerjee ... For the Petitioner.

Ms. Zareen Nasema Khan,
Ms. Sreeparna Das ... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Pathar Pratima P.S. Case No. 167 of 2020 dated 18.11.2020 under Sections 363/365/34 of the Indian Penal Code, adding Section 6 of the Protection of Children from Sexual Offences Act (SPL. POCSO Case No. 34/20).

The learned advocate appearing for the petitioner submits that although the alleged incident was on 10.11.2020 but the complaint was lodged eight days thereafter. The petitioner has been falsely implicated and he is in custody for about 57 days. There is no incriminating material against the petitioner in the records. In view thereof further detention of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. The learned advocate further submits that the investigation is still continuing and no charge-sheet has yet been filed.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegation and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not necessary.

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 the POCSO Act, Kakdwip, South 24-Parganas and on further condition that the petitioner shall meet with the Investigating Officer of the case once a week on and from 21.01.2021 until further orders.

The application for bail being CRM 344 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)