

11.06.2021

Sl. No. 01
CHC
Ct.No.19.
(Allowed)

CRM/1197/2021
(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Sankrail Police Station Case No.297 of 2020, dated 14.04.2020 under Section 354(C) of the Indian Penal Code, 1860 and Section 10 of the POCSO Act.

AND

In the matter of:

Raju Sardar...petitioner

Mr. Abhijit Kr. Adhya

...for the petitioner

Mr. Prasun Kumar Datta, Ld. A.P.P.
Mrs. Sukanya Bhattacharya,
Mr. Nirupam Dhali

...for the State

It is submitted by the learned advocate for the accused/petitioner that the petitioner has been charged for committing offence under Section 354(C) of the Indian Penal Code read with Section 10 of the POCSO Act. The petitioner is in custody for about 422 days. Charge-sheet has been submitted and practically trial has started after framing of charge. In view of such long detention and considering the fact that on submission of charge-sheet, further detention of the petitioner for the purpose of investigation is not necessary, the accused may be released on bail.

Mrs. Sukanya Bhattacharya, learned P.P.-in-charge strongly opposes the prayer for bail on the ground that the allegation against the accused is very serious in nature and if the accused is released on bail there will be adverse social impact in the locality and custodial trial of the accused is absolutely necessary under the facts and circumstances of the case. He also draws my attention to the statement of the victim recorded under Section 164 of the Cr.P.C.

Having heard the learned advocates for the petitioner and the State and on careful consideration of entire Case Diary, I am of the view that the allegation against the accused is of course grave in nature. On submission of charge-sheet *prima facie* case against the accused has been proved but at the same time I am not unmindful to note that he is in custody for about 422 days during COVID pandemic period. At this stage, on completion of investigation his further detention seems to be unnecessary.

Under such conspectus, the petitioner may find bail of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties of Rs.10,000/-(Rupees Ten Thousand) each, one of whom must be a local surety on further condition that if on bail he will not enter into the jurisdiction where he resides so that the witnesses may not be influenced by him and will present in Court on each and every date of trial failing which the order of bail shall be cancelled without any reference to this Court.

The petitioner shall submit an affidavit to the trial court as well as to Officer-in-Charge of the jurisdictional Police Station stating his present residential address where he wants to stay during trial of the case, phone number, Epic Card number etc. if any, by swearing an affidavit.

The application being C.R.M.1197 of 2021 is thus disposed of.

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

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

(Bibek Chaudhuri, J.)