

09.04.2021
Mithun
Sl. No.04.
D/L.
Ct.No.30.

CRM/1615/2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Ghatal Police Station Case No.11 of 2021, dated 09.01.2021 under Sections 341/354A/509/506/34 of the Indian Penal Code, 1860 and Section 12 of the POCSO Act (POCSO Case No.3 of 2021.)

In the matter of : 1. Debabrata @ Chottu Pramanik.
2. Ganesh Dolui.

...the petitioners.

Mr.Abhijit Addya, Adv.

...for the petitioner.

Mr. Ranabir Roy Chowdhury, Adv.,
Mrs.Faria Hossain, Adv.

...for the State.

In the instant matter Ms.Sukanya Bhattacharyya, learned P.P.-in-Charge used to represent the State. However, in her absence this Court requested to Mrs.Faria Hossain to represent the State and accordingly, she is represented.

Therefore, the learned P.P., High Court, Calcutta is requested to regularize her appointment in connection with this case.

Ghtal Police Station Case No.11 of 2021 dated 09.01.2021 was registered under Sections 341/354A/509/506/34 of the Indian Penal Code and Section 12 of the POCSO Act. On the basis of a written complaint submitted by the victim stating, inter alia, that on 8th January, 2021 around 8 p.m. when she was returning home from her tuition, the accused persons made some lewd comments to her and pulled her hands. They were apprehended by local people at the spot and manhandled. The accused is in custody for about 60 days and in the meantime charge sheet has already been filed. Therefore, it is submitted by the learned Advocate for the petitioners that for the purpose of investigation their custodial detention is not necessary.

Learned P.P.-in-Charge has raised objection against the prayer for bail stating, inter alia, that the nature of offence should not permit this Court to grant bail to the petitioners. Having heard the submission made by the learned Counsels for both the parties and on perusal of the record, specially taking into account of the fact that the charge sheet has already been filed in the instant case, I am of the view that this is not a case where custodial trial is necessary. Accordingly, the petitioners may find bail of Rs.10,000/- each with two sureties of like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Ghatal on further conditions that during trial of the case they will not enter into the jurisdiction of Ghatal Police Station except on the date of trial fixed by the Court

below. They will not also threaten or induce the witnesses of the instant case.

The petitioners are further directed to submit an affidavit stating their present address to the Officer-in-Charge of Ghatal Police Station along with copies of voter identity cards and Pan cards as well as mobile phone numbers so that they may be tracked by the Officer-in-Charge of the local Police Station to compel their attendance before the Trial Court on the date of trial. Violation of any of the conditions will entail cancellation of bail without further reference to this Bench.

(Bibek Chaudhuri, J)