

19.07.2021

Court No.28
Item No.02
(Rejected)

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CRM 2584 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Suri Police Station Case No. 448 of 2019, dated 21.08.2019 under Section 302 of the Indian Penal Code (G.R.Case No.1157 of 2019).

And

In the matter of : **Gurudas Das.**

...Petitioner

Mr. Tapas Kr. Ghosh,
Mr. Tanmay Chowdhury.

...For the Petitioners

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.

...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Suri Police Station Case No. 448 of 2019 under Section 302 of the Indian Penal Code t.

The learned Advocate for the petitioner fervently submits that the petitioner is the only person to take care of his ailing child who is aged about two years and suffering from serious ailments which would be evident from the medical documents annexed in the application as well as the supplementary affidavit filed today. Apropos the aforesaid submission, learned Advocate prays for an interim bail so that the petitioner would be in a position to take all possible steps suggested by the attending doctor.

The State opposes the prayer for interim bail and submits that though the petitioner was released on bail by the learned Sessions Judge but subsequently after being apprised of the fact that several bail applications filed by the petitioner before this Court got

dismissed, the said order was immediately recalled and the bail granted to the petitioner was cancelled.

After hearing the respective submissions and on perusal of the materials on record, it is no doubt true that all the bail applications filed by the petitioner before this Court were dismissed, as this Court did not find any reason warranting release of the petitioner on bail.

However, having gone through the medical documents annexed to the application as well as to the supplementary affidavit pertaining to the health condition of the minor child and the suggested treatments, we feel that the said child needs immediate attention and the treatment as suggested should not be hampered in any way. If the version of the petitioner goes correctly, there is nobody in the house to look after the minor son and, therefore, is in need of care and protection. The ailments appearing to be serious in nature and the treatment at the District Hospital near the place of residence does not cater such facilities and for such reason, the Medical Officer has advised for further testing which can only be done at the Medical College and Hospital at Calcutta. Since the child appears to us is in need of immediate attention, it is a solemn duty of the State to take care of such child.

We, therefore, direct the Principal Secretary of the Women and Child, Social Welfare Department, Government of West Bengal to take all possible steps so that the medical facilities are provided to the child as suggested by the attending doctor. For such purposes, the Principal Secretary of the said Department will provide logistic support as well as all possible treatments required for such child.

The Officer-in-charge of Suri Police Station is also directed to provide female Police Officer for the purpose of ancillary and incidental supports and assistance to escort and accompany the mother of the said child, in the event the child is taken to the said Hospital at Calcutta for the treatment.

The Officer-in-charge shall keep the Superintendent of Police, Birbhum aware of the directions passed hereinabove and the suitable arrangements to be made in this regard.

The Principal Secretary of the Juvenile Justice Committee of this Court may be communicated with this order so that the same is further communicated onwards for due implementation of the direction passed hereinabove and shall keep monitoring the health condition of the child until the child is discharged by the concerned Hospital.

So far as the merit of the case is concerned relating to the release of the petitioner on bail, since the applications for bail filed by the petitioner were rejected earlier by this Court as indicated hereinabove, we do not find any changed circumstances except the one indicated hereinabove warranting a different decision to be taken.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM 2584 of 2021, is thus **dismissed.**

However, we have been informed at this stage that the trial court has fixed the fixture for recording of evidence on and from 10th August, 2021, we trust and hope that the prosecution would bring the charge sheeted witnesses and the co-operations shall also be extended by the defence counsel so that the trial is not impeded and /or hampered in any manner. We expect the trial court to show alacrity in the matter and bring the trial to its logical end at an earliest.

(Harish Tandon, J)

(Subhasis Dasgupta, J.)

