

15.03.2021
Mithun
Sl. No.02
D/L.
Ct.No.30.

CRM/2599/2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taherpur Police Station Case No.187/2020 dated 29.10.2020 under Section 8 of the Protection of Children from Sexual Offences Act.

In the matter of : Nidhir Das.

...the petitioner.

Mr.Ankit Agarwala, Adv.
Mr. Subir Debnath, Adv.,
Ms.Roma Roy, Adv,
Mr.Vineet Ojha, Adv.

... for the petitioner.

Mr.Saibal Bapuli, Ld.A.P.P.,
Mr. Bibaswan Bhattacharya, Adv.

...for the State.

Having heard the learned Advocate for the petitioner and the learned P.P.-in-Charge, it is ascertained that the accused was arrested in connection with Taherpur Police Station Case No.187 of 2020 dated 29.10.2020 under Section 8 of the Protection of Children from Sexual Offences Act. He was produced before the Court on 30th October, 2020. Charge-sheet was filed on 19th January, 2021, i.e. after the expiry of statutory period of time. The petitioner prayed for bail on 5th January, 2021 and 18th January, 2021 before the learned Special Judge,

Ranaghat. However, on both occasions the prayer for bail was rejected.

It is contended by the learned Advocate for the petitioner that after the expiry of 60 days the petitioner was entitled to statutory bail as charge-sheet was not available on that date. However, the learned Special Judge did not consider the said fact.

The learned P.P.-in-Charge has not raised any objection against the submission made by the learned Advocate for the petitioner and he frankly submitted that he cannot say anything against the statutory provision.

In view of the fact that after the expiry of 60 days, if charge-sheet is not filed in a case under Section 8 of the POCSO Act, the accused is entitled to bail. Therefore, the accused is enlarged on bail of Rs.10,000/- with one surety of like amount to the satisfaction of the learned Special Judge under POCSO Act, Ranaghat with further conditions that if on bail, he must visit the Officer-in-Charge of the jurisdictional Police Station once in a month and shall file an affidavit stating his residential address, phone number and EPIC card number, if any, by swearing an affidavit on the first date of his visit to the Officer-in-Charge of the concerned Police Station.

If the petitioner violates any of the above conditions, the order of bail shall be cancelled without further reference to this Bench.

(Bibek Chaudhuri, J)