

23.08.2021
Item no. 34
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 2869 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 19.03.2021 in connection with Baishnabnagar Police Station Case No. 75 of 2020 dated 11.02.2020 under and under Sections 363/302/201/120B/379 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Trideb Sarkar.

.....Petitioner.

Ms. Minoti Gomes, Advocate,
Mr. Kalidas Saha, Advocate,

.....for the Petitioner.

Ms. Zareen N. Khan, Advocate,
Ms. Sreeparna Das, Advocate,

.....for the State.

The petitioner is one of several accused persons. The charge is under Sections 363/302/201/120B/379 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

The petitioner says that he has absolutely no role to play in the commission of the alleged offence. He has been framed. He has been in custody for 541 days. Charger sheet has been submitted. His further detention will serve no useful purpose.

The State has drawn our attention to the material in the case diary including statements of witnesses recorded under Sections 164/161 of the Code of Criminal Procedure.

We are of the view that nature of allegation against the petitioner is such and the material on record is such that the petitioner may be enlarged on bail on stringent conditions particularly because investigation is complete and charge sheet has been filed.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District Judge, 2nd Court, Malda and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)