

29.07.2021
Item no.19.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 3422 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 16.04.2021 in connection with Bhadreswar Police Station Case No.81 of 2021 Dated 2.3.2021 under Section 354 of the Indian Penal Code read with Sections 8 and 10 of the POCSO Act

And

In the matter of : Md. Samsad @ Md. Shamsad Alam

.....Petitioner.

Mr. Sourav Chatterjee,
Mr. Bitoshok Banerjee,
Mr. A. Salamfor the Petitioner.

Ms. Faria Hossain,
Ms. Baishali Basufor the State.

Ms. Minoti Gomes ...for the Defacto complainant.

The charge is under Section 354 of the Indian Penal Code read with Sections 8/10 of the Protection of Children from Sexual Offences Act, 2012.

The allegation is that the petitioner lured the victim girl to his shop room by telling her that she will get a doll. The victim's mother went to the shop room and found that the petitioner was trying to undress the victim girl. She raised a hue and cry. Nothing further happened.

We have heard the learned Counsel for the parties and seen the material in the case diary and the statements of the victim girl and her mother recorded under Section 164 of the Code. The petitioner has been in custody for about 147 days. We are told that he is a student of Burdwan I.I.T. Charge sheet has been filed.

On an overall consideration of the material on record and the nature and gravity of the offence that the petitioner has been charged with, we are inclined to grant bail to the petitioner but on stringent conditions.

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 Chief Judicial Magistrate, Chandannagar, and on further conditions that he shall not enter the jurisdiction of Bhadreswar Police Station except for attending Court proceedings and shall furnish the address where he will presently reside before the Officer-in-Charge of that area. The petitioner 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.)