

Through Video Conference

CRM 3684 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Women Police Station Case No.70 of 2020 dated 14-08-2020 under Section 376AB of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Nimai Barui @ Das

.... Petitioner.

Ms. Sananda Bhattacharyya

... For the Petitioner.

Mr. Saswata Gopal Mukherji, learned Public Prosecutor,

Ms. Faria Hossain,

Ms. Baisali Basu

... For the State.

The petitioner has been charged with the offence punishable under Section 376 AB of the Indian Penal Code read with Section 4 of the POCSO Act. He has been in jail for the last 344 days.

Learned counsel for the petitioner submits that there is inconsistency between the statement of the victim girl's mother recorded under Section 164 of the Code and the written complaint filed by her. The victim girl was only two years and seven months old when the alleged incident occurred. Learned counsel submits that there is no external injury on the victim girl. The allegation is an outcome of political rivalry.

Learned counsel for the State produces the Case Diary. We have seen the medical report. It says that there is no external injury. We have also seen the statement of the girl's mother recorded under Section 164 of the Code and the

written complaint. There appears to be some inconsistency between the two.

Having considered the facts and circumstances of the case and the material on record, we are of the view that the petitioner may be enlarged on bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional District and Sessions Judge (Special Court under POCSO Act) Ranaghat, Nadia. 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight until further orders.

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 his bail in accordance with law without further reference to this Court.

The application for bail being CRM 3684 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Suvra Ghosh, J.)**

(**Arijit Banerjee, J.)**