

16.08.2021
Item no.73.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 4062 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 11.06.2021 in connection with Uttarpara Police Station Case No.64 of 2021 Dated 17.2.2021 under Sections 363/365/366/376 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Prasenjit Ghosh

.....Petitioner.

Ms. Jeenia Rudra,
Mr. Bhaskar Roy for the Petitioner.

Mr. Binay Kumar Panda,
Ms. Pushpita Saha,
Mr. Subham Bhakat for the State.

The petitioner has been charged with offences punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012 read with Sections 363/365/366/376 of the Indian Penal Code.

The petitioner says that the victim girl left her paternal home on her own. The petitioner and the girl got married. They resided together as husband and wife. They also had physical relationship. The victim girl was recovered from the house of the petitioner.

All the aforesaid submissions are corroborated by the statement of the victim girl recorded under Section 164 of the

Code of Criminal Procedure. The petitioner is in custody for 169 days.

We have considered the material in the case diary and the nature and gravity of the offence that the petitioner has been charged with. On an overall assessment of the material on record and the extent of possible complicity of the petitioner in the alleged offence and also because charge sheet has been submitted, we are of the view that further custodial detention of the petitioner may not be necessary and he may be granted bail.

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, Serampore, and on further conditions that he shall remain within the jurisdiction of the concerned police station and 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.)