

(Via Video Conference)

CRM 4263 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Belghoria Police Station** Case No. **459 of 2020** dated **19.09.2020** under Section **376** of the Indian Penal Code and Section **4** of the POCSO Act.

- A n d -

In the matter of : Debojyoti Das

.... Petitioner.

Mr. Debanjan Bhattacharjee
Ms. Swarnali Saha

... For the Petitioners.

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

... For the State.

The allegation against the petitioner is under Section 4 of the POCSO Act and Section 376 of the Indian Penal Code. It is submitted on behalf of the petitioner that he is innocent and has no nexus with the alleged offence. The injury report of the victim does not support her statement under Section 164 of the Code. The petitioner is in custody for 330 days. Charge sheet has been submitted.

The State opposes the prayer for bail and refers to the statement of the victim girl under Section 164 of the Code and also her injury report.

We have considered the material in the case diary. The injury report of the victim is not in conformity with her statement recorded under Section 164 of the Code. Charge sheet has been submitted. Keeping in view the period of incarceration of the petitioner, nature of allegations levelled

against him and also as charge sheet has been submitted and since no useful purpose shall be served by detaining him any further, we are inclined to allow the petitioner's prayer for 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 District Judge, Special Court, 1st Court, POCSO Court, Barrackpore, North 24 Parganas and on further conditions that he shall not enter the jurisdiction of Belghoria Police Station except attaining the Court proceeding. He shall furnish there he shall presently reside to the Officer-in-charge of the concerned police station and report to Officer-in-Charge 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.)