

02.09.2021
Item no. 57
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 4452 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 01.07.2021 in connection with Gangarampur Police Station Case No. 199 of 2020 dated 23.06.2020 under Sections 363/365/372 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offence Act.

And

In the matter of : Debi Rani Patra.

.....Petitioner.

Mr. Sayan De, Advocate,
Mr. Kaustuv Shome, Advocate,
Mr. Sayan Kanjilal, Advocate,

.....for the Petitioner.

Ms. Zareen N. Khan, Advocate,
Mr. Bitasok Banerjee Advocate,

.....for the State.

The allegation is that the victim girl, seventeen years of age, was taken by one Pinki and Kripanath to the house of the petitioner. There they spent the night. The petitioner offered them food. The allegation is that something was mixed with the food which made the victim girl drowsy. She was, subsequently, raped by the principal accused namely Subhash.

The petitioner says she has absolutely nothing to do with the alleged offence. She is a lady of 64 years of age. She has been in custody for about 248 days. She only

allowed the victim girl and her friends to stay overnight as Subhash was known to her.

We have seen the statement of the victim girl under Section 164 of the Code of Criminal Procedure. We have considered other material in the case diary. Prima facie, we do not find direct involvement of the petitioner in the alleged offence. Charge sheet has been submitted.

Considering the overall facts and circumstances of the case and the period of detention of the petitioner, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner namely **Debi Rani Patra** 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 Judge, Special Court under the POCSO Act, Gangarampur at Buniaadpur, Dakshin Dinajpur and on further condition that she shall remain within the jurisdiction of the concerned police station 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)