

24.08.2021  
Item no.74.  
Court No.32.  
AB  
**(Allowed)**

**(Via Video Conference)**

**CRM No. 4454 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 Malipanchghora Police Station Case No.76 of 2021 Dated 8.5.2021 under Sections 376/506 of the Indian Penal Code read with Section 6 of the POCSO Act

And

**In the matter of : Aata Khotey @ Sailen Khotey @ Khotel**

.....Petitioner.

Mr. Mritunjoy Chatterjee,  
Md. G. N. Imrohi,  
Ms. Debopriya Majumdar .....for the Petitioner.

Ms. Sukanya Bhattacharya,  
Mr. Nirupam Dhali .....for the State.

The petitioner says that he has been falsely implicated. He is a 65 years old man. The grandmother of the victim girl and the petitioner reside in the same complex. There is a longstanding dispute between them. False complaint has been lodged through the victim girl against the petitioner. The alleged incident never took place.

We have seen the statement of the victim girl. We have considered the medical report. Prima facie, we do not find any material, which implicates the petitioner. The petitioner has

been in custody for about 110 days. Charge sheet has been submitted.

In the aforesaid facts and circumstances, we are of the view that further custodial detention of the petitioner is not 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 Judge, Special Court under the POCSO Act at Howrah, 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.)**

