

24.08.2021
Item no. 76
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 4456 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 Beldanga Police Station Case No. 241 of 2020 dated 08.06.2020 under Section 6 of the Children from Sexual Offences Act.

And

In the matter of : Kalam Sk.

.....Petitioner.

Mr. Mritunjoy Chatterjee, Advocate,
Md. G.N. Imrohi, Advocate,
Ms. Debapriya Majumder, Advocate,

.....for the Petitioner.

Mr. P.K. Dutta, Ld. A.P.P.,
Mr. Santanu Deb Roy, Advocate,

.....for the State.

The petitioner is in custody for 440 days. Allegation against the petitioner is under Section 6 of the Protection of Children from Sexual Offences Act. The petitioner submits that the First Information Report was lodged at a delay of about three months. The petitioner has been falsely implicated out of village rivalry.

The State opposes the prayer for bail and refers to statements of the victim recorded under Section 164 of the Code of Criminal Procedure.

We have perused the material in the case diary. There is inordinate delay in lodging the First Information Report and no explanation has been offered to justify such delay.

Having considered the material available in the case diary, nature of the offence as well as extent of complicity of the petitioner in the alleged offence and also as charge-sheet has been submitted, we are inclined to hold that further detention of the petitioner is not necessary and his prayer may be acceded to.

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 Court of Judge, Special Court under POCSO Act, Berhampore, Murshidabad and on further conditions that he shall remain within the jurisdiction of the concerned police station and he 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.)