

20.09.2021
Serial no. 64
Dd

(Through Video Conference)

CRM 4553 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure filed on **6th July, 2021** in connection with **Labpur** Police Station Case No. **69 of 2020** dated **20.03.2020** under **Sections 363/ 365/ 120B** of the Indian Penal Code added Section **4/6 of POCSO Act, arising out of G.R. 264 of 2020.**

-And-

In the matter of : Bharati Ghosh

... ..Petitioner

Mr. Rabiul Islam,
Mr. K. M. Hossain,
Mr. S. J. Hossain, Advocates
... .. For the Petitioner

Mrs. Sukanya Bhattacharya,
Mr. Nirupam Dhali, Advocates
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner was initially granted bail and, thereafter, by a further order passed by the coordinate Bench on April 13, 2021, the petitioner was arrested. There was no failure on the part of the petitioner to observe any of the conditions of grant of bail. He submits that the police submitted charge sheet and, therefore, further detention of the petitioner is not required. Moreover, the petitioner is a lady and, therefore, the allegations under the POCSO Act against the petitioner is misplaced.

Learned advocate appearing for the State draws the attention of the court to the statements recorded under section 164 of the Cr. P.C. of the victim girl. He also draws attention of the court to the medical reports of the victim girl.

Considering the fact that the police submitted charge sheet and further considering the fact that the petitioner is not on the same footing with all the other accused, therefore, further detention of the petitioner is not necessary for the investigation, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, Bolpur, Birbhum subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is **allowed**.

CRM 4553 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)