

02.09.2021
Item no.18.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 5262 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 09.08.2021 in connection with Chinsurah Police Station Case No.287 of 2021 Dated 9.7.2021 under Sections 363/365/366 of the Indian Penal Code read with Sections 4/6 of the POCSO Act and Sections 4/5/6 of the Immoral Trafficking (Prevention) Act

And

In the matter of : Paban Kanti Nath

.....Petitioner.

Ms. Minoti Gomes,
Mr. Suman Das Adhikaryfor the Petitioner.

Ms. Z. N. Khan,
Mr. M.F.A. Begg,
Mr. Bitoshok Banerjeefor the State.

Leave is granted to make necessary corrections in the cause title of the petition.

The allegation against the petitioner is for kidnapping, immoral trafficking in minor girls and also under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

The petitioner says that he has absolutely no involvement in the alleged offence. He has been falsely implicated.

The State draws our attention to the statement of the victim girl, who was 17 years of age at the time of the incident,

recorded under Section 164 of the Code of Criminal Procedure. There is no mention of the petitioner in such statement. The State also refers to a statement of a witness recorded under Section 161 of the Code of Criminal Procedure where there is a fleeting reference to the petitioner.

Having considered the material in the case diary and the nature and gravity of the offence, although charge sheet is yet to be submitted, we are of the view that further custodial detention of the petitioner is not necessary. The petitioner shall cooperate with the Investigating Officer fully.

Accordingly, we direct that the petitioner, namely Paban Kanti Nath 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 Chief Judicial Magistrate, Hooghly at Chinsurah, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Investigating Officer of the case 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)