

21.09.2021
Item no. 22
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 5987 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.09.2021 in connection with Harwood Point Coastal Police Station Case No. 229 dated 12.07.2021 under Sections 498A/500/509 of the Indian Penal Code read with Sections 66E/67/67A of the Information Technology Act and adding Sections 4/6/12 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Soumen Bera.

.....Petitioner.

Md. Shamimuddin, Advocate,
Sk. Samiul Haque, Advocate,

.....for the Petitioner.

Mr. Binoy Panda, Advocate,
Mr. Subham Bhakat, Advocate,
Ms. Puspita Saha, Advocate,

.....for the State.

The petitioner says that he has been falsely implicated in this matter. He never tortured the victim girl.

We have seen the material in the case diary. In her statement, the victim girl stated that she is 18 years old. She has alleged that her-in-laws and the petitioner used to physically assault her.

We have seen the injury report. No injury has been found on the victim girl. The petitioner is in custody for 67 days.

On an overall assessment of the material on record and the facts and circumstances of the case as also the nature of the allegations, although charge-sheet is yet to be submitted, we are of the view that further custodial detention of the petitioner is not necessary so long as he is prepared to co-operate with the Investigating Officer.

Accordingly, we direct that the petitioner namely **Soumen Bera** 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 Additional Chief Judicial Magistrate, Kakdwip 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 every week 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.)