

21.12. 2021
item No.34
n.b.
ct. no. 34

(Via video conference)

C.R.M 7650 of 2021

In Re: An application for cancellation bail under Section 439(2) of the Code of Criminal Procedure, 1973

And

In the matter of : Pratima Biswas nee Protima Biswas

Mr. Subir Ganguly,
Mr. Sumanta Ganguly,
.....For the Petitioner

Mr. Debapritim Guha,
Ms. Anchita Sarkar
....For the O.P. No.2

Mr. Prasun Kr. Dutta, A.P.P
Mr. Subrato Roy..... for the State.

Mr. Subir Ganguly, learned advocate appearing for the petitioner/complainant submits regarding the merits in the order of bail as also the post bail conduct. Learned advocate has drawn the attention of this Court to the subsequent case, which was registered against the same accused persons who happens to be a relation.

Learned advocate for the State has produced the Case Diary in respect of both the cases.

Learned advocate for the accused/opposite party has resisted the submissions and denied the genuineness of the contentions and or allegations and further submitted that the documents which the prosecution has produced before this Court

were not supplied to him but even then charge-sheet has been submitted.

In view of the submissions so advanced and the fact that the victim has not been examined under Section 35 of the POCSO Act, some conditions are to be imposed so that the trial of the case and proceedings progress smoothly.

Accordingly, the accused/opposite party no.2 namely, Sambhu Biswas is directed to stay outside the jurisdiction of Kharda Police Station for a period of six months. The accused would inform the Officer-in-Charge of Kharda Police Station in respect of address where he would be residing when he would be staying outside the jurisdiction of Kharda Police Station. The accused would be physically present in Court on the dates so specified by the Learned Special Court. Any deviation of the aforesaid directions would empower the Learned Pocso Court to impose conditions which the Court would think fit and proper for smooth progress of the trial of the case.

With the aforesaid observations CRM 7650 of 2021 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Tirthankar Ghosh, J.)