

23.12.2021
Serial no. 80
Dd

(Through Video Conference)

CRM 8771 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **526 of 2021** dated **26.10.2021** under Section **6** of the POCSO Act (POCSO Case No. **145 of 2021**)

-And-

In the matter of : Biswajit Paswan @ Anup
... ..**Petitioner**

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick, Advocates
... .. For the Petitioner

Mr. Shiladitya Banerjee, Advocate
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner lodges a General Diary with the police against the members of the family of the de facto complainant. It is only thereafter the present police complaint was lodged against the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the statements recorded under Section 164 of the Criminal Procedure Code of the victim and to the materials in the case diary.

In answer to a query of the Court, learned advocate appearing for the State submits that medical examination of the victim was not done since the mother of the victim refused to produce the victim for medical examination.

Considering the fact that there is a prior General Diary lodged by the petitioner against the members of the family of the de facto complainant and considering the fact that the mother of the victim refused to produce the victim for medical examination and considering the period of detention of the petitioner, 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 Additional District Judge, 2nd Court, Special Court, Malda 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 8771 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)