

CRM (DB) 376 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Harwood Point Coastal Police Station Case No. 407 of 2021 dated 05.12.2021 under Sections 448/325/326/34 of the Indian Penal Code and Section 8 of the POCSO Act.

-And-

In the matter of : Sourav Das & Anr.

...Petitioners

Mr. Sabir Ahmed, Advocate
Mr. Gouranga Das, Advocate
Mr. Sandip Kr. Mondal, Advocate

... .. For the Petitioners

Mr. Bidyut Kr. Roy, Advocate
Ms. Rita Datta, Advocates

... ..For the State

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that the petitioners are in custody in excess of 100 days. The police filed charge-sheet and, therefore, further detention of the petitioners is not required. The incident occurred out of disputes relating to installation of hand pump.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victims recorded under Section 164 of the Code of Criminal Procedure. He also refers to the injury report.

In her statement the younger of the two victims, recorded under Section 164 of the Code of Criminal Procedure, narrates that the two petitioners assaulted her parents with a bamboo stick and that her parents suffered injuries with regard thereto. The two petitioners also used blade and caused injuries to her elder sister and her parents. The injury report of the victims did not depict any of the injuries claimed to be inflicted by the petitioners. There is only one injury in the injury report which is simple in nature.

Considering the period of detention of the petitioners and considering the fact that the police filed charge-sheet and considering the statement of the younger of the victims recorded under Section 164 of the Code of Criminal Procedure we are inclined to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court under POCSO, Kakdwip, South 24 Parganas, subject to condition that the petitioners 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 petitioners fail 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 of the petitioners is allowed.

CRM (DB) 376 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)