

04.03.2022
Item No.04.
Suman
Ct.42

(Via Video Conference)

CRM (SB) 33 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of: **Sajal Maity**
Vs.
The State of West Bengal

Mr. Anjan Bhattacharya
Mr. Partha Sarathi Mondal
Ms. Anita Shaw
...for the petitioner

Mr. Bidyut Kumar Roy
Ms. Sima Biswas
..for the State

In the written complaint the de facto complainant made an allegation of penetrative sexual assault perpetrated upon his minor daughter by the accused. However, in her statement recorded under Section 164 of the Code of Criminal Procedure before the learned jurisdictional Magistrate the victim girl stated that in the absence of her mother the accused entered into their house and touched her. The allegation of penetrative sexual assault is prima facie not established from the statement of the victim. Consequently nothing transpires in the medical report of the victim. The accused/petitioner is in custody for 77 days. Charge sheet has been submitted.

Considering all aspects of the matter I am inclined to release the accused on bail.

The accused is enlarged on bail of Rs.10,000/- (Ten Thousand only) with one surety of like amount to the satisfaction of the learned Additional Sessions Judge, First Court and Special Court under POCSO Act, Kakdwip with further condition that during trial of the case the accused shall not enter into the jurisdiction of Kakdwip P.S. and shall intimate his present address by swearing an affidavit before the Officer-in-Charge of Kakdwip P.S.

If the accused violates any of the above conditions, the order of bail shall be cancelled without further reference to this Bench.

The application is, thus, disposed of.

(Bibek Chaudhuri, J.)