

21.03.2022
Item No.02
Suman
Ct.42

(Via Video Conference)

CRM (SB) 45 of 2022

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

And

In the matter of: **Sufal Ghosh @ Biswajit Ghosh**
Vs.
The State of West Bengal

Mr. Sayan De
Mr. Kaustav Shome
Mr. Sayan Kanjilal
Ms. Esha Acharya

...for the petitioner

Mr. Binay Panda
Ms. Puspita Saha

...for the State

Charge sheet has been filed against the accused/petitioner under Section 8 of the Protection of Children from Sexual Offences Act in addition to other penal provisions.

Learned advocate praying for bail of the petitioner submits that the petitioner and the family of the victim girl are next door neighbours. He usually used to take the victim girl on his lap on the ground that the victim girl used to call him maternal uncle by village courtesy. In the incident complained of and corroborated by the

victim girl in her statement under Section 164 of the Code of Criminal Procedure does not depict any sexual intent of the petitioner. Charge sheet has been submitted. He is in custody for about 77 days. Therefore, he should be released on bail.

Learned P.P.-in-charge has raised objection against the prayer for bail on the ground that the petitioner taking advantage of the victim's minority and fiduciary relationship between them abused her.

Having heard the learned advocates for the parties and on perusal of the materials on the case diary this Court is of the view that custodial trial of the case is not necessary because there is no allegation of penetrative sexual assault against the petitioner. Investigation of the case is complete. Therefore, further detention of the petitioner is not necessary.

Accordingly, the petitioner is enlarged on bail of Rs.10,000/- with one surety of like amount to the satisfaction of the learned Special Judge, POCSO, Ranaghat, Nadia with further condition that during trial of the case except on the date of hearing the petitioner shall not enter into the jurisdiction of his residence, does not threaten or influence the witnesses and attend the Court on all dates of trial. The petitioner is also directed to file affidavit stating his residential address during trial of the case to the learned Special Judge,

POCSO, Ranaghat, Nadia along with his phone number, Aadhaar Card number etc. so that the petitioner may be tracked in case of his absence during the trial.

The application is, thus, disposed of.

(Bibek Chaudhuri, J.)