

05-07-2022
Subha
Item no.09
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

CRM (SB) 134 of 2022

Khokan Maiti @ Khokon Maity

-vs-

The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Ganga Sagar Coastal P.S. Case No.111 dated 20.11.2021 under section 8/10 of Protection of Children from Sexual Offences Act, 2012(POCSO);(subsequently charge sheet has been submitted under Section 8/10 of Protection of Children from Sexual Offences Act, 2012(POCSO)(corresponding to Special POCSO Case No. 65/2021); (Corresponding to Special S. T. Case No. 04(02)/2022).

Mr. Sabir Ahned
Mr. Sandip Kumar Mondal
Mr. Mujibar Ali Naskar
Mr. Shraman Sarkar
Mr. Apan Saha

...for the petitioner.

Mr. Bidyut Kumar Roy
Ms. Rita Datta

... for the State.

The petitioner is in custody since 20th November, 2021 i.e., for about 228 days. The investigation of the case has already been concluded and chargesheet has been filed before the jurisdictional court.

It has been submitted that there were previous disputes between the family of the accused/petitioner and that of the victim girl and their family.

Learned advocate for the State produces the case diary and draws the attention of this court to the statements of the victim girl as well as her mother before the learned Magistrate.

I have taken into account the facts of the case as well as the attending circumstances. Having regard to the period of detention of the petitioner and the fact that chargesheet has already been

submitted, I am of the opinion that further detention of the petitioner is not warranted in connection with the instant case. As such, the prayer for bail of the present petitioner is allowed.

Accordingly, the petitioner is directed to furnish a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 1st Court & Special Court under POCSO Act, Kakdwip, South 24 Parganas.

If on bail, the petitioner shall not enter the jurisdiction of Ganga Sagar Coastal Police Station. The petitioner would inform his place of residence to the learned court as also the local police station within whose jurisdiction he would be residing.

The petitioner shall appear and obtain an acknowledgement from the office of the learned special court once in a fortnight, irrespective of the fact whether any date has been fixed for the case or not.

Petitioner is granted liberty to apply for modification after complying with such conditions for a period of three months from date.

With the aforesaid observations, the application for bail, being CRM (SB) 134 of 2022 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

