

25.07. 2022
item No.16
n.b.
ct. no. 34

CRM(SB) 178 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala P.S. Case No.258 of 2022 dated 29.4.2022 under Sections 8/12 of the Protection of Children from Sexual Offences Act 2012.

And

In Re: **Subrata Sikder @ Chattu.**

.....petitioner.

Ms. Sananda Bhattacharyya,
Ms. Kaberi Mukerjee,
.....for the Petitioner

Mr. Bidyut Kr. Roy,
Ms. Rita Datta,
.....for the State

The petitioner submits that he is in custody for about 85 days and the investigation of the case has already been concluded, as such further detention of the petitioner is unwarranted. Learned advocate also submits that having regard to the nature of the allegations the issue of false implication cannot be ruled out and the petitioner may be released on bail on any stringent condition.

Mr. Bidyut Kr. Roy and Ms. Rita Datta, learned advocates appears for the State produces the Case Diary and draws the attention of this Court to the FSL report as well as

the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

Having regard to the narration of facts as stated by the victim girl before the Learned Magistrate under Section 164 of the Code of Criminal Procedure, I am of the opinion that further detention of the present petitioner is unwarranted for the evidence of the case.

Accordingly, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/-(Rupees Ten Thousand only) each, with two sureties of like amount, one of whom must be local, to the satisfaction of the Learned Special Court (under POCSO Act), Ranaghat , Nadia. If on bail the petitioner shall meet with the Officer-in-Charge, Dhantala Police Station once in a month and will attend the office of the Learned Special Court (under POCSO Act), Ranaghat , Nadia once in fortnight and obtain an acknowledgment till further orders of this Court. The appearance before the Learned Special Court once in fortnight is irrespective of any date being fixed for the purpose of the case.

The petitioner would be at liberty to apply for modification of condition of bail before this Court after a period of four months of compliance of the same.

Learned Trial Court is directed to expedite the progress of the trial keeping in mind the provision of Section 35 of the POCSO Act.

The application for bail is allowed.

Accordingly, CRM(SB) 178 of 2022, is, thus, disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)