

20.09.2022
S/L No.10
KS

C.R.M.(SB) 221 of 2022

Subhashis Biswas @ Subhasis Biswas

-Vs.-

The State of West Bengal

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hogalberia** P.S. Case No.**222 of 2022** dated **06.07.2022** under **Section 10** of the Protection of Children from Sexual Offences Act.

Mr. Ayan Bhattacharya

Mr. Samrat Choudhury

Mr. Debarshi Brahma

Mr. A. Dey

..... For the Petitioner

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

.....For the State

The petitioner is in custody for about 62 days as submitted by Mr. Bhattacharya, learned advocate appearing for the petitioner. Additionally, it is submitted that he is a teacher and had been associated with the school for a substantial period of time and has an unblemished antecedent. It is submitted that the petitioner has been falsely implicated in connection with the instant case.

Learned advocate appearing for the State produces the Case Diary draws the attention of the Court to the statement of the victim under Section 164 of the Code of Criminal Procedure as well as the statement of Amiyajit Majumdar and Sayan Pramanik.

Learned advocate appearing for the State opposes the prayer for bail and submits that the prosecution may be granted opportunity to prove its case and the accused is required to be placed in custodial trial.

I have considered the statements referred by learned advocate appearing for the State and on consideration and comparison of the aforesaid three statements, I am of the view that prima facie the petitioner has made out a case for bail. Needless to state that this court is not commenting on the veracity of the statements, in view of the fact that the trial is yet to commence.

Accordingly, the petitioner shall furnish a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Special Court (POCSO), Tehatta, Nadia. If on bail, the petitioner shall meet with the Officer-in-Charge/Inspector-in-Charge of Hogalberia Police Station once in a week until further orders. Petitioner is directed to be present on each and every day fixed by the Learned Special Court (POCSO) for the purpose of this case. Petitioner shall not adopt dilatory tactics for the purposes of delaying the proceedings before the Learned Trial Court. Any change in address of the petitioner should be immediately informed in Court to the Officer-in-Charge of Hogalberia Police Station and also to the Learned Trial Court.

If there are any violations in the aforesaid conditions, the Learned Special Court/Trial Court would be entitled to cancel the bail without further reference to this Court.

Thus, the prayer for bail is allowed.

With the aforesaid directions, **C.R.M.(SB) 221 of 2022** is disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Tirthankar Ghosh, J.)