

15.11.2022

Item No.1

Ct.No.34

dc.

Allowed

C.R.M. (SB) 243 of 2022

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Sagar Police Station Case No. 379 dated 26.11.2021 under Section 354A of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (Special POCSO Case No. 67/2021).

And

In Re : **Bholanath Das**

... Petitioner.

Mr. Partha Sarathi Mondal

... For the Petitioner.

Mr. Rudradipta Nandy,
Ms. Zareen N. Khan,
Md. Kutubuddin

... For the State.

The petitioner is in custody for more than 11 months, although charge-sheet was submitted within a reasonable time, but till date, the examination of the victim is not over in spite of direction passed by this Court. The basic allegation against the petitioner is that when the victim used to go for her tuition, the petitioner used to disturb her and once while she was returning from tuition, the accused has snatched the cycle, tried to grab her hand and pull her towards an unknown location. The same was resisted by the victim and on her hue and cry, some local persons assembled and as such, the accused fled away. On the basis of the same, a case under Section 354A of the Indian Penal Code and Section 8 of the POCSO Act was registered for

investigation. Subsequently, charge-sheet submitted, but till date, a complete witness has not been examined.

Mr. Nandy, learned advocate appearing for the State has submitted a report. Let the said report dated 15.11.2022 be kept on record.

Having considered the period of detention of the present petitioner, I am not inclined to further detain him in custody. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Bholanath Das** shall be released on bail upon furnishing 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 Judge, Special Court under POCSO Act, Kakdwip, South 24-Parganas. However, the petitioner shall be allowed to furnish bond only after the cross-examination of the victim is over.

After the petitioner is released, the petitioner shall stay outside the jurisdiction of Sagar Police Station. The petitioner shall inform his address where he would be residing to the Inspector-in-Charge, Sagar Police Station and shall enter the jurisdiction of Sagar Police Station for the limited purpose of meeting an Officer once a week who would be deputed by the Inspector-in-Charge, Sagar Police Station. An acknowledgement to that effect should be taken from the officer to whom the attendance of the present petitioner is assigned. The petitioner shall be physically present on each

and every date fixed by the learned Special Court and in case, he is absent without any reasonable cause, the learned Special Court would be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail, being CRM (SB) 243 of 2022, is, thus, disposed of.

The Inspector-in-Charge, Sagar Police Station and the Investigating Officer of the case are present in Court. Their further appearance before this Court is dispensed with.

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.)