

17-11-2022
Subha
Item no.02
allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 273 of 2022

Paban Das @ Paban Ruidas
-vs-
The State of West Bengal.

In Re: An application for bail under Section 439 of the code of Criminal Procedure, 1973 filed on 9th November, 2022 in connection with the Dholahat P. S. Case No. 433 of 2022 dated 18.09.2022 under Sections 341/354/506/509/34 IPC and under Section 8 of the Protection of Children from Sexual Offences Act, corresponding to POCSO Case No. 62 of 2022.

Mr. Gouranga Kumar Das
Ms. Swati Mondal

...for the petitioner.

Mr. Atif Ahmed Siddqui

... for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for about 58 days and the investigation of the case has already been concluded.

Additionally, it has been submitted that the petitioner would abide by any condition imposed by this court.

Learned advocate appearing for the State produces the case diary and draws the attention of this court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and opposes the prayer for bail of the petitioner.

I have perused the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and I find from the narration of facts that this petitioner was accompanying another person namely, Prasanta Ruidas, who pulled the hand of a lady as also

touched their body when a group of four ladies were returning from the bus stand.

Having regard to the period of detention and the fact that the chargesheet has already been submitted, I am not inclined to further detain the petitioner in custody.

Accordingly, prayer for bail of the present petitioner is allowed.

As such, 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, subject to the satisfaction of the Learned Special Court under the POCSO Act, Kakdwip, South 24 Parganas on the following conditions:-

While on bail, the petitioner would abide by the following conditions :-

1. The petitioner after being released shall not enter into the District of 24 Parganas(S) except for the purpose of attending the Inspector-in-Charge/Officer-in-Charge or any Officer assigned by the designated Officers twice a week until further orders.
2. The petitioner shall stay within the jurisdiction of the metropolitan area of Kolkata and would inform the address both to the Inspector-in-Charge/Officer-in-Charge of Dholahat Police Station as well as the Officer-in-Charge of the concerned Police Station at Calcutta where he would be residing.
3. The petitioner shall be physically present once in a month before the Special Court under the POCSO Act, Kakdwip,

South 24 Parganas irrespective of the fact that any date has been fixed for the trial of the case.

4. The petitioner shall be physically present on each and every date fixed by the learned trial court.

With the aforesaid observations, the application for bail being CRM (SB) 273 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]