

17.01.2023.
29.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 172 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat P. S. Case No.458 of 2022 dated 05.10.2022 under Sections 341/376/384/506/509/34 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Souvik Patra.

.... Petitioner.

Mr. Tapas Kr. Mondal.

...for the Petitioner.

Mr. S. S. Imam, Jr. Govt. Adv.,
Mr. R. Jana.

...for the State.

Mr. Tanmay Basu,
Mr. Wasim Akram,
Mr. D. Mandal.

...for the de-facto complainant.

Petitioner is in custody for 106 days. It is submitted he has been falsely implicated in the instant case. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

Learned Advocate for the de-facto complainant also opposes the prayer for bail. He submits that the minor was forcibly raped. Her objectionable pictures were uploaded on the internet.

We have considered the materials on record including the statement of the minor. From the tenor of her statement, it appears that there was prior association between the parties. Her statement does not show any picture was obtained by the petitioner or uploaded on the internet.

In view of the aforesaid circumstances, we are of the opinion further detention is not necessary but movement of the petitioner requires to be restricted in order to instill confidence in the mind of the victim.

Accordingly, the petitioner viz., Souvik Patra shall be released on bail upon furnishing 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 Judge, Special Court under the POCSO Act, Kakdwip, South 24-Paraganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Dholahat Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

