

20.01.2023.
34.
as
(Allowed)

C.R.M. (DB) 233 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Arambag P. S. Case No.306 of 2022 dated 24.10.2022 under Sections 323/354/379 of the Indian Penal Code and Section 12 of the POCSO Act and added Sections 376(3) of the Indian Penal Code and Section 4 (2) of the POCSO Act.

In the matter of : Pradip Malik.

.... Petitioner.

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta,
Mr. S. Kr. Mondal.

...for the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat.

...for the State.

Mr. Avik Ghatak,
Mr. Amit Ranjan Pati.

...for the Opp. Party No.2.

Petitioner is in custody for 89 days. It is submitted there was a relationship between the parties. As the parents did not agree, he has been falsely implicated in the instant case. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits survivor is a minor. She was ravished. Date has been fixed for consideration of charge.

Learned Advocate for the survivor submits petitioner used to disturb her. She was ravished. Thereafter she had been threatened.

We have considered the materials on record including the statement of the survivor. From her statement it appears

petitioner had pestered her. She blacklisted her phone number. Two or three weeks earlier, he had ravished her.

In view of the fact that the survivor had rebuffed the petitioner, it is unclear why in spite of being ravished a couple of weeks earlier she kept mum. The aforesaid issue may be thrashed out during trial.

Keeping in mind the aforesaid facts and circumstances of the case and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners viz., Pradip Malik 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, Arambagh, Hooghly 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 Arambagh 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.)