

D/L1
22.03.2023

C.R.M. (SB) 44 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Berhampur Police Station Case No.1495 of 2022 dated 04.11.2022 under Section 354A of the Indian Penal Code read with Sections 8/10 of the PCOSO Act (C. Spl.91/2022);

Saikat Bhattacharjee
Versus
The State of West Bengal and others

Mr. Abhijit Kumar Adhya,
Mr. Subir Bhattacharyya,
Mr. Bikash Chowdhury.
...for the petitioner.

Mr. Prasun Kumar Datta,
Mr. Santanu Deb Roy.
...for the State.

Report submitted by Mr. Santanu Deb Roy, learned advocate appearing for the State be kept with the record.

The report was called for ascertaining the contention advanced by the petitioner that he is suffering from serious ailments. Records also reflect that because of the health condition, the petitioner had to be shifted from Berhampore Central Correctional Home to Presidency Correctional Home.

The report of the Superintendent, Presidency Correctional Home enclosed a communication of Senior Medical Officer, Presidency Correctional Home. The contents of the said communication is in the nature of the sufferings of the present petitioner since 14.12.2022.

Prima facie from the contents, it reflects that the

petitioner is bed-ridden and on several occasions had to be taken to S.S.K.M. Hospital and other Government Hospitals for his treatment.

The petitioner happens to be a clerk of Gorabazar Silpa Mandir Girls High School. It has been alleged that at the time of distribution of bags, the petitioner behaved in an indecent manner with many girls of the said school. The case diary contains materials which reflects that the petitioner inappropriately touched the private parts of the girls who were studying in Class V or VI of the said school. From the materials on record, a case has been made out so far as the petitioner is concerned.

However, having regard to the health condition of the petitioner which has been referred to in the report and the communication of the Senior Medical Officer of Presidency Correctional Home, under such exceptional circumstances, I am compelled to release the petitioner on bail.

Accordingly, the petitioner, namely, Saikat Bhattacharjee, be released on bail on furnishing bond of Rs. 10,000/- with two sureties of like amount each, one of whom being local to the satisfaction of the learned Judge, Special Court, Berhampur in seisin of Berhampur Police Station Case No.1495 of 2022 dated 04.11.2022.

If on bail the petitioner should be regularly present through his learned advocate before the learned special court on each and every date fixed by the learned special court. The learned special court would progress with the trial of the case on the

assurance of the learned advocate appearing for the petitioner that he would not challenge his identity subsequently in any appeal or other higher forum.

The learned special court is directed to take all steps for the progress of the trial of the case without insisting on the physical presence of the accused and such physical appearance for the purposes of this case is dispensed with for the next six months. The petitioner shall make himself available after six months before the learned special court and the learned special court after assessing the health condition would fix such terms and conditions as he deems fit and proper. However, the learned advocate appearing for the petitioner would inform the learned trial court/special court in case the petitioner goes out of the jurisdiction of the district of Murshidabad for his treatment or any other requirements.

With the aforesaid observations, CRM (SB) 44 of 2023 is allowed.

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 of all requisite formalities.

(Tirthankar Ghosh, J.)