

D/L3
15.03.2023

C.R.M. (SB) 48 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Habibpur Police Station Case No.242 of 2022 dated 25.07.2022 under Section 10 of the Protection of Children from Sexual Offences Act;

Alexius Hembram @ Alexis
Versus
The State of West Bengal and another

Mr. Tapan Dutta Gupta,
Mr. Parvej Anam.
...for the petitioner.

Mr. Joydeep Roy,
Ms. Sujata Das.
...for the State.

Learned advocate appearing for the petitioner renews his prayer for bail. Earlier the application for bail being CRM (SB) 274 of 2022 was rejected on 18.11.2022 when the present petitioner was in custody for 117 days.

Learned advocate submits that the petitioner is in custody for about eight months and the evidence of P.W.1 is over. Additionally, it has been submitted that on any stringent conditions the petitioner may be released on bail.

Learned advocate for the State opposes the prayer for bail and submits that there are direct allegations so far as the present petitioner is concerned and having regard to the close proximity of the residence there is every scope of influence and/or tampering with further evidence of the witnesses of the case.

I have considered the submissions of both parties and till date evidence of one witness is completed out of total 13 witnesses charge-sheeted. Having considered the same, I am of the opinion that the petitioner should be released on bail.

As such, the petitioner, namely, Alexius Hembram @ Alexis, 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, In-Charge, Second Special Court, Malda.

If on bail the petitioner shall stay outside the jurisdiction of Habibpur Police Station and shall enter the jurisdiction only for the limited purpose of attending the Inspector-in-Charge, Habibpur Police Station or any Officer deputed by him once a week. The petitioner shall inform his place of residence while he will be outside the said jurisdiction to the Inspector-in-Charge as well as the learned Special Court, Any change of address must be informed to the learned trial court. The petitioner shall be physically present on each and every date and his absence should not be excused without any reason of substantive importance. It is also clarified that in case the petitioner adopts dilatory tactics, thereby stretching the trial, learned trial court would be at liberty to cancel the bail without further reference to this Court.

With the aforesaid observations, CRM (SB) 48 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.)