

29.03.2023

Item No.1

Ct.No.34

dc.

Allowed

C.R.M. (SB) 59 of 2023

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Malda Police Station Case No. 589 of 2022 dated 26.12.2022 under Section 12 of the Protection of Children from Sexual Offences Act (Amended), 2012.

And

In Re : **Kartick Rajbanshi @ Kartik Rajbanshi**
... Petitioner.

Mr. Mounick Ghosh
... For the Petitioner.

Mr. Arijit Ganguly,
Mr. Koushik Kundu
... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for about 85 days and the investigation of the case has been concluded as charge-sheet has been submitted before the jurisdictional court.

Learned advocate appearing for the State opposes the prayer for bail and submits that the statement under Section 164 of the Code of Criminal Procedure implicates the present petitioner and there are allegations which make out the offence as alleged by the *de facto* complainant.

I have perused the case diary and I find that the mobile phone which is the subject-matter of the case relating to the nature of the allegations complained of has been sent for CFSL examination and the report is yet to be submitted. As such, there is scope for filing supplementary charge-sheet by the investigating agency and there is no scope of

commencing the trial in near future. Having considered the period of detention of the present petitioner in the backgrounds of the present case, I am inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Kartick Rajbanshi @ Kartik Rajbanshi** shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Court in seisin of the matter.

If on bail, the petitioner shall stay outside the jurisdiction of Malda Police Station and shall enter the jurisdiction only for the limited purposes of attending the court and meeting the Investigating Officer of the case or the Officer-in-Charge of the concerned police station. It is further directed that the petitioner shall meet the Officer-in-Charge/Inspector-in-Charge once in a week till further orders of this Court.

The petitioner shall attend the learned Special Court once in a fortnight and obtain acknowledgement regarding his appearance irrespective of the fact whether any date has been fixed for the purposes of the case or not.

The application for bail, being CRM (SB) 59 of 2023, is, thus, disposed of.

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 with all requisite formalities.

(Tirthankar Ghosh, J.)