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C.R.M. (SB) 69 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Ranaghat Police Station Case No.358 of 2022 dated 24.05.2022 under Sections 354B/506 of the Indian Penal Code and Section 8/12 of the Protection of Children from Sexual Offences Act, corresponding to POCSO Trial No.07(11)2022;

Manoj Biswas
Versus
The State of West Bengal and another

Mr. Prabir Majumder,
Mr. Snehansu Majumder.
...for the petitioner.

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

Mr. Prabir Majumder, learned advocate appearing for the petitioner submits that the petitioner is in custody for about 252 days and the examination of the complainant (mother of the victim) and the victim has already been completed. Learned advocate draws the attention of the Court to the deposition of both the witnesses in court and submits that there is no further requirement in view of the evidence so submitted by the complainant and the victim before the learned trial court.

Mr. Joydeep Roy, learned advocate appearing for the State opposes the prayer for bail and submits that there are specific allegations so far as the present petitioner is concerned and the complicity of the petitioner is reflected in the statement under Section 164 of the Code of Criminal Procedure of the victim.

I have considered the submissions of the learned advocate appearing for the petitioner as also for the State. I have also taken into consideration the deposition of the witnesses. Having regard to the period of detention of the present petitioner in the background of the fact that the evidence of the complainant and the victim in the present case is over, I am of the opinion that further detention of the petitioner is unwarranted. Accordingly, the prayer for bail of the petitioner is allowed.

Thus, the petitioner, namely, Manoj Biswas 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 learned Additional Sessions Judge-cum-Judge, POCSO Special Court, Ranaghat, Nadia.

If on bail the petitioner shall attend the learned trial court on each and every date so fixed. Any change of address must be brought to the notice of the learned trial court as well as the Officer-in-Charge of the local Police Station.

Accordingly, CRM (SB) 69 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.)

