

12.05.2023

Item No.2

Ct.No.34

dc.

C.R.M. (SB) 87 of 2023

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Gazole Police Station Case No. 658 of 2022 dated 16.08.2022 under Section 8 of the Protection of Children from Sexual Offences Act (Amended), 2012.

And

In Re : **Suren Karmakar @ Kabiraj**

... Petitioner.

Mr. Mounick Ghosh,

Mr. Saikat Mondal ... For the Petitioner.

Mr. Iqbal Kabir ... For the State.

Mr. Saryati Datta ... For the *de facto* complainant.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for about 265 days and the examination of the victim girl has been completed before the learned trial court. Learned advocate submits that there are 11 witnesses on whom the prosecution intends to rely upon to prove its case and the same may take substantial time. Additionally it is prayed that on any stringent condition the petitioner may be released on bail.

Mr. Saryati Datta, learned advocate appearing for the *de facto* complainant opposes the prayer for bail and submits that offence has been committed upon a girl of 16 years by the present petitioner. The deposition of the victim girl, according to the learned advocate, implicates the petitioner as the sole accused person and having considered his complicity, the petitioner should not be released on bail.

Mr. Kabir, learned advocate appearing for the State draws the attention of the Court both to the statements of the victim and her brother which were recorded under Section 164 of the Code of Criminal Procedure. Learned advocate has also taken this Court through the deposition of the victim and opposes the prayer for bail.

I have considered the submissions of the learned advocates appearing for the respective parties and on an assessment of the same, I am of the view that the petitioner is in custody for more than eight months and evidence of the victim has already been recorded. There are other witnesses who would be examined in this case and some time will be required for completion of the trial. The petitioner as such is released on bail at this stage. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Suren Karmakar @ Kabiraj** 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 Special Court, Additional District Judge, 2nd Court, Malda (In-Charge).

If on bail, the petitioner shall once in every fortnight attend and obtain an acknowledgement from the Officer-in-Charge/Inspector-in-Charge, Gazole Police Station.

The petitioner shall be physically present on each and every date of trial.

All efforts must be taken to complete the trial within a reasonable period of time by fixing at least one schedule in a month.

Any change of address of the petitioner should be informed to the learned trial court as well as the Officer-in-Charge/Inspector-in-Charge, Gazole Police Station.

The application for bail, being CRM (SB) 87 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.)