

27-04-2023
Item no.03
bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 85 of 2023

Sagar Das @ Subha

-vs-

The State of West Bengal & Anr.

In Re: An application for bail under Section 439 of the code of Criminal Procedure, 1973 filed on 11th April, 2023 in connection with Dakshineswar Police Station Case No. 154 of 2022 dated 11.08.2022 under Sections 323/341/354/34 IPC and added Section 12 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Bikash Ranjan Bhattacharyya, Sr. Advocate
Mrs. Santi Das

...for the petitioner.

Mr. Joydeep Roy, Jr. govt. pleader
Mrs. Sujata Das

... for the State.

Mr. Bhattacharyya, learned senior advocate appearing on behalf of the petitioner submits that the petitioner is in custody for about 105 days and chargesheet has already been submitted before the jurisdictional court.

It has also been alleged that the first information report hardly makes out any offence under the POCSO Act, but the case has been developed in course of investigation and subsequently the provisions of POCSO Act were added.

Mr. Roy, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as also the other statements recorded under Section 161 of the Code of Criminal Procedure which were collected in course of the investigation.

Having considered the period of detention of the present petitioner, I am of the opinion that further detention of the present petitioner is unwarranted in the facts and circumstances of the instant case. As such, the prayer for bail of the petitioner is allowed.

Accordingly, the petitioner shall be released on bail by furnishing a bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the learned trial court.

If on bail, the petitioner shall stay outside the jurisdiction of the District of North 24 Parganas and shall enter the jurisdiction for the purpose of only meeting with the Inspector-in-Charge, Dakshineswar Police Station once in a week till further orders of this court.

The petitioner shall be physically available before the learned trial court on each and every date so fixed.

The petitioner shall inform his address after being released on bail to the Inspector-in-Charge, Dakshineswar Police Station as also the learned special court/trial court.

With the aforesaid observations, the present application for bail being CRM(SB) No. 85 of 2023 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

