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22.06.2023
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C.R.M. (SB) 115 of 2023

In Re: An application under Section 439 of the Code of Criminal Procedure, 1973 filed in connection Kultali Police Station Case No.225 of 2023 dated 13.04.2023 under Sections 341, 354A, 506 of the Indian Penal Code and Section 10 of the Protection of Children from Sexual Offences Act;

Gopal Naskar
Versus
The State of West Bengal and another

Mr. Ayan Basu,
Mr. Sandip Kr. Mondal,
Mr. Sourav Bera,
Mr. Sumit Routh.
...for the petitioner.

Mr. Sanjoy Bardhan,
Ms. Debjani Dasgupta.
...for the State.

Mr. Debashis Banerjee,
Mr. Kartik Kumar Ray,
Mr. Rakesh Jana.
...for the de facto complainant.

Mr. Ayan Basu, learned advocate appearing for the petitioner hands over certified copy of the deposition of the victim which encloses her examination-in-chief and cross-examination.

Let the same be kept with the record.

The petitioner is in custody for about 68 days. Further detention of the petitioner, according to the learned advocate, may not be warranted considering the present stage of the case.

Learned advocate for the victim de facto complainant is present and expresses his anxiety regarding the pressure created upon the victim. Learned advocate submits that the victim may be

protected in future from social pressures.

Mr. Bardhan, learned advocate appearing for the State produces the case diary and draws the attention of the Court to the statement of the victim under Section 164 of the Code of Criminal Procedure. Learned advocate for the State opposes the prayer for bail.

I have considered the submissions of the learned advocates for all the parties and without going into the merits of the case but only considering two factors, firstly, the deposition of the victim is over and secondly, the petitioner is the only earning member of the family, I am inclined to release the petitioner on bail.

Accordingly, the petitioner, namely, Gopal Naskar 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 Judge, Special Court, POCSO Act, Baruipur, South 24 Parganas.

If on bail the petitioner shall not leave the jurisdiction of Kultali Police Station without the permission of the learned Special Court. The petitioner shall once in a week meet with the Inspector-in-Charge or Officer-in-charge or any Police Officer deputed by the said Police Officer once in a week till further order of this Court. The petitioner shall on the date so fixed by the learned trial court be physically present unless for any reasons beyond his control which he would satisfy the special court regarding the absence. In case, there is violation of any of the aforesaid conditions, the learned special court would be at liberty to cancel the bail without further

reference to this Court.

With the aforesaid observations, CRM (SB) 115 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.)