

18-08-2023
Item no.08
bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 170 of 2023

Lalu Khatik

-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 21st July, 2023 in connection with Burdwan Police Station Case No. 821 of 2022 dated 22.07.2022 under Sections 341/323/506 and 504 of the Indian Penal Code read with Section 75 of the Juvenile Justice Act, read along with Ss. 8 and 12 of the POCSO Act.

Mr. Amitava Karmakar
Mr. Arnab Kumar Neogi
Mr. Binod Singh

...for the petitioner.

Mr. Sudip Ghosh
Mr. Koushik Kundu

... for the State.

Mr. Partha Pratim Das

...for the de facto complainant.

Mr. Karmakar, learned advocate appearing for the petitioner submits that the petitioner is in custody for a period of eight months and chargesheet has already been submitted in connection with the instant case.

Learned advocate for the petitioner submits that the petitioner has been implicated because of a family feud and as the investigation has been concluded, he may be released on bail on any stringent condition.

Mr. Das, learned advocate appearing for the victim/de facto complainant submits that the present petitioner happens to be the biological father and there are materials which reflect that the same person has inflicted sexual torture upon another girl.

Mr. Ghosh, learned advocate appears on behalf of the State and

draws the attention of this court to the statement of the victim girl under Section 164 of the Code of Criminal Procedure, the FIR and the statement of the other witnesses.

I have perused the case diary and I find that there should have been some more exercise of powers by the Investigating Agency for unearthing the truth associated with the case. The statement of the victim, prima facie, reflects that she was afraid and was apprehending of any alleged commission of offence.

No materials have surfaced so far as the elder sister is concerned. As the trial is yet to commence, I am not inclined to elaborate on the merits of the case. However, prima facie, I am of the opinion that further custody of the present petitioner is unwarranted in the facts of the present case.

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 Judge, special court, Purba Burdwan/learned Chief Judicial Magistrate, Purba Burdwan.

If on bail, the petitioner shall not enter the jurisdiction of Burdwan Police Station till further order of this court.

The petitioner shall be physically present on each and every date fixed by the learned trial court.

The petitioner is granted liberty to approach this court for waiving the condition after the evidence of the victim girl is over before the learned trial court. .

With the aforesaid observations, the application for bail being

CRM (SB) 170 of 2023 is allowed.

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]