

04.10.2023
Sl. No.28
akd
[Rejected]

C. R. M. (DB) 3803 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.09.2023 in connection with Pathar Pratima Police Station Case No.215 of 2022 dated 30.07.2022 under Sections 376(2)(f)/376AB of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Pradip Kumar Kamila***

... .. Petitioner

Mr. Ayan Bose
Mr. Sandip Kumar Mondal
Mr. Sumit Routh
Ms. Riya Das

... .. for the petitioner

Mr. Binay Panda
Mrs. Puspita Saha

... .. for the State

1. It is submitted on behalf of the petitioner that he is a teacher of the minor victims. He had chastised them for stealing fruits. This is admitted by one of the victims during her deposition in Court. Relying on her evidence petitioner submits he has been falsely implicated. He is in custody for more than a year. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had misused his fiduciary status as a teacher to sexually abuse a number of young girls.
3. We have considered the materials on record. Evidence of the minors implicate the petitioner in the offence. During cross-examination, one of them stated they had been assaulted on the score of stealing fruits. No such case is transpiring from the evidence of the other victims. Whether stray statement in the deposition of one of the victims would affect the credibility of the case involving serial

offences has to be assessed during trial. Offences, if proved, would attract mandatory life imprisonment. Keeping in mind the seriousness and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.
5. Trial court is directed to conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)