

17.10.2023
Serial no. 2
[G.S.D]

CRM (SB) 204 of 2023

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Santipur P.S. Case No. 137 of 2023 dated 14.02.2023 under Sections 448/354A of the Indian Penal Code read with Section 8 of the POCSO Act [POCSO 8(4) 23]**.

-And-

In the matter of : Gautam Biswas

... .. Petitioner

Ms. Minoti Gomes
Ms. Dona Sanyal

... For the Petitioner

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

... ..*For the State*

Mr. Prasun Mukherjee
Mr. Sourav Mukherjee

... for the defacto-complainant

The petitioner is in custody since February, 2023.
The record of the case reflects that charge-sheet was submitted on or about 28th February, 2023.

Ld. advocate appearing for the petitioner submits that although charge was framed in this case on or about April, 2023, but, till date, after six months, the victim was not examined.

Ld. advocate appearing for the defacto-complainant submits that the victim was not served with the summons enabling her to know regarding the date fixed before the Id. trial court.

A report has been submitted by Mr. Ghosh, Id. advocate for the State. The report reflects that the next date has been fixed on 23rd of November, 2023.

The petitioner is in custody for about eight months. Under the provisions of the POCSO Act, it is incumbent upon the Special Court to ensure that a lawyer is represented on behalf of the victim or the defacto-complainant. None of the lawyers could apprise this Court as to why summons were not issued upon the victim and the victim could not appear on the next date.

Having considered that the petitioner is in custody for about eight months, I am not inclined to detain the petitioner further.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner viz, Gautam Biswas 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 Ld. Special Court/Id. ACJM, Ranaghat, Nadia.

If on bail, the petitioner shall meet with the inspector-in-charge, Santipur P.S. once in a week for about six months. The petitioner shall stay outside the jurisdiction of Ranaghat Sub-division. The petitioner will enter the sub-division only for the limited purpose of attending the officer-

in-charge of Santipur P.S. and for the purposes of attending the Court on the dates so fixed. The officer-in-charge/inspector-in-charge will send a compliance report regarding the attendance of the present petitioner to the Id. Special Court once in a month for a period of six months.

Accordingly, CRM(SB) 204 of 2023 is allowed.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)