

30.11.2023
tkm/ct 28
sl no. 72

C.R.M. (DB) 4455 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hasnabad P.S case no. 134 of 2023 dated 7.4.2023 under sections 376AB/506 of the IPC read with section 4 of the POCSO Act

and

Allowed

In Re : Santanu Pandit

..... petitioner

Mr. S G Mukherjee
Mr. Kallol Kr. Basu
Md J Ul Firdous

..... for the petitioner

Mr. T K Ghosh
Mr. M Mahata

..... for the State

Mr. Sukanta Chakraborty
Mr. A Halder

..... for the de facto complainant

1. Petitioner is in custody for 240 days. It is submitted there was a dispute over land and complaints had been lodged against the family members of the victim. There is delay of over 3 months in lodging FIR. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. Learned lawyer for the de facto complainant also opposes the bail prayer. He contends de facto complainant's father was not present at the place of occurrence which caused the delay.
4. We have considered the materials on record. Statements of witnesses show victim and others had disclosed the incident to neighbours on the day of incident itself. Credibility of the explanation regarding delay in lodging FIR i.e. over three months requires to be assessed during trial. There was prior enmity between the parties. No injury was found on the victim. Possibility

of false implication cannot be ruled out. Hence we are inclined to grant bail to the petitioner, however, subject to conditions.

5. Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court under POCSO Act Basirhat, North 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter into the jurisdiction of Hasnabad P.S and shall provide the address where he shall be residing to the Investigating Officer as well as the Court below and shall report to the officer-in-Charge within whose jurisdiction he shall presently reside once in a week until further orders.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

7. The application being CRM (DB) 4455 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)