

19.06.2024
Item no.65.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1553 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.05.2024 in connection with Gazole Police Station Case No. 535 of 2022 dated 08.07.2022 under Sections 6/10 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Ramesh Swarnakar.

.....Petitioner.

Mr. Navanil De,
Mr. Mazahar Hossain Chowdhury,
Ms. Manami Mukherjee,
.....for the Petitioner.

Ms. Amita Gour,
Mr. Tirthankar Dhali,for the State.

Ms. Minoti Gomes
...for the de facto complainant.

The petitioner renews his prayer for bail. The allegation is under Sections 8/10 of the POCSO Act. The petitioner says that none of the four victims who have all been examined has said anything against the petitioner. He is in custody for 1 year and 10 months. There is no possibility of an early conclusion of the trial.

Learned advocate for the State says that the allegations are serious and there is sufficient incriminating material against the petitioner.

Learned advocate for the de facto complainant in her usual fairness does not dispute that the victim girls have not implicated the petitioner in any manner in their depositions.

In view of the aforesaid and considering the already lengthy detention of the petitioner, we are inclined to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner namely **Ramesh Swarnakar** shall 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 Special Court, Malda under Protection of Children from Sexual Offences Act, and on further conditions that he shall remain within the jurisdiction of the concerned police station.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Gaurang Kanth, J.)

(Arijit Banerjee, J.)