

24-05-2024
Subha
Item no.03
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 70 of 2022

Samarjit Sadhukhan @ Samarjit Sadhukha
-vs-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Dhantala P.S. Case No.228 of 2024 dated 27.03.2024 under sections 325/341 of Indian Penal Code read with S.10 of the POCSO Act, 2012.

Mr. Sayan De
Mr. Sayan Kanjilal
Mr. Kaustuv Shome

...for the petitioner.

Mr. Debasish Roy, Id. PP
Mr. Arijit Ganguly
Ms. Sana Naaz

... for the State.

Mr. Sudip Kumar Khan
Ms. Mousumi Hazra
Mr. Rhitam Chatterjee

...for the de facto complainant.

Learned advocate for the petitioner submits that the petitioner is in custody for a period of 58 days and the Investigating Authority on conclusion of investigation has already submitted charge-sheet before the learned special court.

Additionally, it has been submitted that the petitioner and the victim are neighbours and there are disputes regarding the victim having issues relating to plucking of guavas at the orchard of the present petitioner which is reflected also in the statement under Section 161 of the Code of Criminal Procedure and some of the witnesses.

Learned advocate for the de facto complainant submits that

there was repeated incidents of sexual harassment upon the victim who is aged about 11 years and the victim has suffered mental stress because of the act and action of the accused i.e., the present petitioner.

Learned Public Prosecutor appearing for the State has produced the case diary.

I have considered the statement of the victim under Section 164 CrPC, the statement under Section 161 of Cr.P.C. of the parents as well as the medical report. Admittedly, the petitioner and the victim are neighbours, there are allegations relating to a single incident as complained of in the statement of the victim under Section 164 Cr.P.C. The medical reports also, prima facie have some indications relating to corroboration which is obviously subject to test of cross-examination at the appropriate stage.

Without taking into the further merits of the case, I am of the view that at this stage as the investigation has been completed, further detention of the present petitioner may not be warranted in the facts of the present case and the petitioner may be released on stringent conditions.

Accordingly, the petitioner is directed to furnish 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 Additional District and Sessions Judge cum Special Court (POCSO Act), Ranaghat, Nadia/learned Additional Chief Judicial Magistrate, Ranaghat, Nadia.

If on bail, the petitioner shall stay outside the jurisdiction of Dhantala PS and shall enter the jurisdiction only for the purpose of

attending the Investigating Officer/Inspector-in-Charge of the said Police Station once a week till the evidence of the victim is over.

The petitioner shall inform his address where he would be residing both to the Inspector-in-Charge, Dhantala PS as well as the learned Special Court (POCSO Act), Ranaghat, Nadia.

It is further clarified that the petitioner should be physically present on each and every dates so fixed by the learned Special Court. Any violation of the aforesaid conditions would entitle the learned Special Court to cancel the bail without further reference of this Court.

Accordingly, the application for bail, being CRM (SB) 70 of 2024 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]

