

15.07.2024
Item no.29.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2063 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 553 of 2023 dated 12.06.2023 under Sections 363/365 of the Indian Penal Code and chargesheet submitted under Sections 363/365/376AB of the Indian Penal Code read with Section 06(1) of the Protection of Children from Sexual Offences Act.

And

In the matter of : Papai Santra @ Papai Satra.

.....Petitioner.

Mr. Tapodip Gupta,

.....for the Petitioner.

Mr. Bitoshok Banerjee,

.....for the State.

The petitioner says that both the victim girl and her mother have deposed before the learned Trial Court. Their evidence completely exonerates the petitioner.

Learned advocate for the State says that the victim girl's evidence recorded by the learned Trial Court runs counter to her statement recorded under Section 164 Cr.P.C.

The deposition of the victim girl before the learned Trial Court shall naturally prevail over any statement recorded under Section 164 Cr.P.C. The victim girl has also deposed that she got her statement recorded before the Magistrate as tutored by the police people.

In view of the aforesaid, we allow this petition for bail.

Accordingly, we direct that the petitioner namely, **Papai Santra @ Papai Satra** 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 Judge, Special Court under Protection of Children from Sexual Offences Act, Krishnagar, Nadia 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)