

35.
15-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2077 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Keshiary Police Station Case No.254 of 2023 dated 22-10-2023 under Sections 376(1) of the Indian Penal Code read with Section 4(1) of the Protection of Children from Sexual Offences, Amendment Act.

- A n d -

In the matter of : Dipak Sing @ Singh

.... Petitioner.

Mr. Amit Ranjan Pati,
Ms. Swartika Chowdhury

... For the Petitioner.

Mr. Arindam Sen,
Ms. Debolina Das

... For the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and there is nothing in the medical report which supports the prosecution. The petitioner is in custody for 265 days. Considering the period of detention, he may be enlarged on bail on any condition. Learned counsel also submits that deposition of vulnerable witnesses has already been recorded.

Learned counsel for the State has raised objection to the prayer of the petitioner for bail. According to her, there is certain mild implication of the petitioner on the basis of medical report and the bail prayer of the present petitioner should be rejected since some important witnesses are going to be examined.

We have gone through the material in the Case Diary including the deposition of the victim girl and the medical report. Considering the medical report and other material on record, we are inclined to enlarge the petitioner on bail, since

there is no certainty when the trial would conclude. Out of 21 witnesses, only 2 witnesses have been examined.

Accordingly, we direct that the petitioner, namely, **Dipak Sing @ Singh**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional District Judge, 2nd Court under POCSO Act, Paschim Medinipur. 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 in any manner whatsoever. The petitioner shall not enter the jurisdiction where the victim girl resides except for the purpose of attending the court proceedings, until further orders. The petitioner shall inform through his learned advocate the learned trial Court and the Officer-in-Charge of the jurisdictional police station his current local address where he shall be residing while on bail and shall meet the Officer-in-Charge of the said police station once in a week until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2077 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)