

09.07.2024
Item no. 20.
Court No.28.
AB
(Allowed)

CRM (DB) 2091 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Singur Police Station Case No.172 of 2024 Dated 21.04.2024 under Sections 376D/376(3) of the Indian Penal Code read with Section 6(i) of the POCSO Act

And

In the matter of : Dipankar Ghosh

.....Petitioner.

Mr. Bitoshok Banerjee,
Mr. Abdus Salamfor the Petitioner.

Mr. S. S. Imam,
Md. Sayeed Khanfor the State.

The allegation is serious i.e. of gang rape of a minor girl. However, the petitioner says that he has been framed. He is the son of the brother of the victim girl's maternal grandfather. The victim girl and her mother reside in her mother's paternal house. They wanted to build an extra room. The petitioner and others in his family protested. That is why a false complaint has been lodged. He prays for bail.

Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the material in the case diary. We have seen the statement of the victim girl recorded under Section 164 Cr.P.C. We have also seen the medical report. The medical report does not support the victim girl's statement

or the prosecution case. We find that charge sheet has been filed upon completion of investigation.

On an overall assessment of the material available on record and the possible extent of complicity of the petitioner in the alleged offence as also because investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely **Dipankar Ghosh** 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 the POCSO Act at Chandannagar, Hooghly, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

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.)