

22.07.2024
Item no.23.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2135 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Hingalganj Police Station Case No. 273 of 2022 dated 15.12.2022 under Sections 363/365/376/34 of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act.

And

In the matter of : Sukanta Guria @ Sukanta Guriya.

.....Petitioner.

Mr. Kallol Kumar Basu,
Md. Jannat Ul Firdous,for the Petitioner.

Mr. Bibaswan Bhattacharyya,
Ms. Sreetama Das,for the State.

Dictated by Partha Sarathi Sen, J.

Affidavit-of-Service and report filed on behalf of the State be kept with the records.

At the very outset, learned advocate for the petitioner draws our attention to the earlier order of rejection dated January 2, 2024 as passed by a Co-ordinate Bench in connection with the instant case. It is submitted that the present accused petitioner is in custody for the last 581 days and charge has not yet been considered against the present accused petitioner. Learned advocate for the petitioner thus prays for allowing the instant application for bail.

Learned advocate for the State though opposes the prayer for bail, however, on being asked by us, it is submitted that charge-sheet has been submitted on February 4, 2023.

Admittedly, we find sufficient incriminating materials in the case diary as against the present accused petitioner. But no explanation is forthcoming as to why charge could not be considered as against the present accused petitioner though almost one and a half years have elapsed since submission of the final report. Considering the entire materials as placed before us and considering the long incarceration, we are inclined to allow the prayer for bail to the present accused petitioner.

Accordingly, we direct that the petitioner, namely **Sukanta Guria @ Sukanta Guriya** 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 POCSO Act), Basirhat, North 24-Parganas on condition that the present accused petitioner shall appear before the Trial court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever. Liberty is given to the prosecution to approach the learned Trial Court for cancellation of the order of bail as passed by us, in the event, it is found that the present accused petitioner has made any attempt of intimidating or

threatening either the victim or any of the material prosecution witnesses.

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.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)