

25.07.2024

Item No.2

Ct.No.34

rc.

Allowed

C.R.M. (SB) 94 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Pandua Police Station Case No. 269 of 2024 dated 24.05.2024 under Sections 354B of the Indian Penal Code and Sections 8/12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

And

In Re : **Shyamal Malik**

... Petitioner.

Mr. Suman Chakraborty

... for the Petitioner.

Mr. Arijit Ganguly

Mr. Moinak Gupta

... For the State.

Learned counsel for the petitioner submits that the petitioner is in custody for 63 days. Charge sheet has been submitted in this case.

Learned counsel for the State produces the Case Diary and opposes the prayer for bail.

It appears that charge sheet has been submitted against the petitioner under Section 354B of the Indian Penal Code and Sections 8/12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

The petitioner is in custody for about 63 days.

Considering the period of detention of the petitioner and also the fact that investigation has culminated in submission of charge sheet, this court is inclined to hold that further detention of the petitioner is not required for the purpose of custodial interrogation.

Accordingly, the prayer for bail is allowed.

Accordingly, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Hooghly subject to condition that the petitioner shall not enter the jurisdiction of Pandua Police Station and shall furnish the address where he shall henceforth reside before the Investigation Officer as well as the learned Trial Court. The petitioner shall enter the Pandua Police Station jurisdiction only for the purpose of attending the hearing before the learned Trial Court. The petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as referred to above, the learned 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 (SB) 94 of 2024, is, thus, disposed of.

Case Diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)