

**20.08.2024**

Item No.3

Ct.No.34

rc.

**Allowed**

**C.R.M. (SB) 108 of 2024**

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Arambagh Women Police Station Case No. 80 of 2024 dated 19.06.2024 under Sections 341/323/325/354B/379/506/509 of the Indian Penal Code and Sections 8/12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

And

In Re : **Chandi Naskar**

... Petitioner.

Mr. Niladri Sekhar Ghosh  
Ms. Sompurna Chatterjee  
Mr. Sourov Mondal  
Ms. Labani Sikder  
Mr. Rony Mondal

... for the Petitioner.

Ms. Subhasree Patel  
Ms. Mamata Jana

... For the State.

Affidavit of service filed in Court today by the learned counsel of the petitioner and the report showing service of notice of the present case upon the private opposite party submitted by the State are taken on record.

No one appears for the private opposite party despite service.

It is submitted on behalf of the petitioner that the petitioner is in custody for 61 days and he has been falsely

implicated as a counter blast of an earlier complaint wherein he disclosed the whereabouts of the victim and the accused. Charge sheet has been submitted in this case. His further detention is not required for the purpose of interrogation.

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

It appears that the petitioner is in custody for about 61 days. Charge sheet has been submitted. Considering the material available in the Case Diary, particularly the First Information Report vis-à-vis statement of the witnesses/victim under Section 164/161 of the Code of Criminal Procedure and also considering the period of detention of the petitioner, this Court is of the view that further detention is not required for the purpose of custodian interrogation.

Accordingly, the prayer for bail is allowed.

Accordingly, the petitioner 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 Special Court (POCSO) Court, Arambagh, Hooghly subject to condition that the petitioner shall not enter the jurisdiction of Arambagh Women Police Station and shall furnish the address where he shall henceforth reside before the Investigation Officer, the learned Trial Court as well as the Officer-in-Charge of the police station where he shall presently reside. The petitioner shall enter the Arambagh Women Police Station jurisdiction only for the purpose of appearing before the

learned Trial Court on every date of hearing. He 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) 108 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.)**