

24.
19-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2666 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhadreswar Police Station Case No.227 of 2021 dated 19-06-2021 under Section 376AB of the Indian Penal Code read with Section 6 of the POCSO Act.

- A n d -

In the matter of : Krishna Nayek

.... Petitioner.

Mr. Bitasok Banerjee,
Mr. Abdus Salam

... For the Petitioner.

Mr. Imran Ali,
Mr. Mainak Gupta

... For the State.

Dictated by Arijit Banerjee, J.

Affidavit-of-Service filed in Court today be taken on record. In spite of service, none appears on behalf of the defacto complainant/victim.

The petitioner says that he has been falsely implicated in this case. There is enmity between his family and the family of the victim girl. Both the families are tenants in the concerned premises. He is in custody for three years three months. He renews his prayer for bail which was rejected on October 17, 2023. He further says that by the order of rejection, a coordinate Bench directed completion of the trial at an early date. However, nothing has progressed since then.

We have seen the deposition of the victim girl. She says that she recorded statements before the Magistrate and also before the learned trial Court as instructed by her mother. She also says that there is quarrel between the two

families. The medical report shows no sign of injury on her private parts or otherwise.

In view of the aforesaid and keeping in mind the lengthy detention of the petitioner, we allow the prayer of the petitioner for bail.

Accordingly, we direct that the petitioner, namely, **Krishna Nayek**, 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 Sessions Judge, Chandannagar, Hooghly. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Bhadreswar Police Station except for the purposes of attending the court proceedings and meeting the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station and shall inform through his learned advocate the learned trial Court and Officer-in-Charge/Inspector-in-Charge of Bhadreswar Police Station his current local address where he shall be residing while on bail. The petitioner shall report to the Officer-in-Charge/Inspector-in-Charge of the jurisdictional 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) 2666 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.)