

30.08.2024

Item No.1

Ct.No.34

b.das

Allowed

C.R.M. (SB) 117 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS, 2023 filed in connection with Pursurah Police Station Case No.229 of 2024 dated 10.07.2024 under Sections 354/509 of the Indian Penal Code read with Section 10 of the Protection of Children from Sexual Offences Act.

And

In Re : **Subhas Chandra Dhara**

... Petitioner.

Mr. Niladri Sekhar Ghosh

Ms. Sompurna Chatterjee

Mr. Sourav Mondal

Ms. Laboni Sikder

... for the Petitioner.

Mr. Bidyut Kr. Roy

Mr. Amanul Islam

... For the State.

Affidavit of service filed by the petitioner is taken on record.

None appears for the private opposite party despite service.

On prayer of the petitioner liberty is granted to correct the cause title of the application.

Learned counsel for the petitioner submits that the petitioner is a teacher of the school, aged about 50 years and has been working in the school for the last 22 years. No allegation as the present one has been made against him during the said period. The petitioner's daughter is also a student of the same class as the victims. The petitioner is in

custody for about 49 days. Charge sheet has been submitted.

The petitioner prays for bail.

Learned counsel for the State produces the Case Diary, particularly the statement of the victim girls recorded under Section 164 of the Code of Criminal Procedure and opposes the prayer for bail.

It appears that the petitioner is in custody for about 49 days. Investigation has culminated in submission of charge sheet. The contradictions between the statement of the victims and the FIR may be dealt with by the learned Trial Court at the appropriate stage of the proceeding.

Considering the material available in the Case Diary as well as period of detention of the petitioner, this Court is of the view that further detention of the petitioner is not required for custodial interrogation and the petitioner may be released on bail subject to stringent conditions.

Accordingly, the petitioner, **Subhas Chandra Dhara** 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 Judge, Special Court under POCSO Act, Arambagh, Hooghly subject to condition that the petitioner shall remain outside the jurisdiction of Pursurah P.S. and shall furnish his address where he shall presently reside to the learned Trial Court as well as the Inspector in Charge/Officer in Charge, Pursurah P.S. and the Officer in Charge of the concerned P.S. where he shall reside presently.

He 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 appear before the learned Trial Court without any justifiable cause, 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) 117 of 2024, is 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.)