

89.
06-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2890 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Rajarhat Police Station Case No.204 of 2023 dated 29-06-2023 under Section 6 of the Protection Of Children from Sexual Offences Act.

- A n d -

In the matter of : Soumen Chakroborty @ Chakraborty
.... Petitioner.

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

... For the Petitioner.

Mr. Arani Bhattacharyya

... For the State.

Mr. Md. Abdur Rakib,
Mr. Biswajit Sarkar,
Mr. Md. Mojahid Mehedi

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

The petitioner is in custody for one year. He says that he has been falsely implicated. He has no role to play in the alleged incident. The victim girl has been examined before the learned trial Court. He may be enlarged on bail.

Learned advocate for the State, while opposing the prayer for bail, draws our attention to the material on record.

Learned advocate for the defacto complainant opposes the prayer and says that the victim girl is 75% mentally disabled. She did not know what she was saying in

evidence. Learned advocate relies on a prescription issued by the Barasat Government Medical College and Hospital. Let the same be kept with the records.

We have seen the deposition of the victim girl. The learned trial Judge records that she is able to understand the questions put to her. She is a competent witness to testify. Accordingly, the evidence of the victim girl was recorded. The evidence partly exonerates the petitioner.

On an overall assessment of the material on record including the deposition of the victim girl, we are of the opinion that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Soumen Chakroborty @ Chakraborty**, 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 Judge, Special Court under POCSO Act, Barasat, North 24 Parganas. The petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in every fortnight, 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) 2890 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)