

26.11.2024
Item no.14.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3195 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kotwali Police Station Case No. 1203 of 2022** dated **24.11.2022** under **Sections 448/376/506/34** of the Indian Penal Code and **Section 10** of the Protection of Children from Sexual Offences Act (POSCO), 2012.

And

In the matter of : Sourav Ghosh @n Sujan @ Sourabh Ghosh.

.....Petitioner.

Mr. Arnab Chatterjee,
Ms. Poulami Bose,for the Petitioner.

Mr. Suman De,
Mr. Santanu Deb Roy,for the State

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 1 year and 10 months. He has been falsely implicated. The victim girl and the victim lady have both deposed. Their depositions are inconsistent. The victim girl refused medical examination. The petitioner renews his prayer for bail which was last rejected on August 25, 2023.
2. Opposing the prayer, learned State advocate says that the trial has progressed to a substantial extent. 5 out of 10 chargesheet named witnesses have been examined. There is sufficient incriminating material against this petitioner. Bail should not be granted.

3. We have gone through the depositions of the victim girl and her mother. We do not want to make any comment on merits. However, only for the purpose of this application, we say that prima facie there appears to be some inconsistency. The victim girl has refused medical examination. Her mother subjected herself to medical examination but the medical report does not contain anything significant.
4. On an overall assessment of the material-on-record and the possible extent of complicity of the petitioner in the alleged crime as also considering the period of his detention, we are of the view that further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely, **Sourav Ghosh @n Sujan @ Sourabh Ghosh** shall be released on bail upon furnishing a bond of Rs.10,000/- , 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), Krishnanagar, Nadia and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. The petitioner shall appear before the 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.

7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)