

46.
25-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2955 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 Gurguripal Police Station Case No.141 of 2023 dated 16-11-2023 under Sections 376(2)(f)/(3) of the Indian Penal Code read with Section 6 of the Protection Of Children from Sexual Offences Act.

- A n d -

In the matter of : Ganesh Sing @ Singh

.... Petitioner.

Mr. Amit Ranjan Pati,
Ms. Swastika Chowdhury

... For the Petitioner.

Mr. Rana Mukherjee, learned APP,
Ms. Diksha Ghosh

... For the State.

Dictated by Arijit Banerjee, J.

Service report filed in Court today by the State be taken on record. In spite of service, nobody appears on behalf of the victim/defacto complainant.

The victim is the granddaughter of the petitioner. The petitioner, a 66 year old person, says that he has been falsely implicated in this case. He says that he has one son and two daughters. He is heavily dependent on his daughters as his son is mentally unstable. The daughter-in-law insisted that he transfers his property in the name of the son. Upon the petitioner refusing to do so, the present false complaint has been lodged. He has been in custody for 310 days. Trial

has not started. There are 14 witnesses. There is no possibility of early conclusion of the trial. He prays for bail.

Opposing the prayer for bail, learned State advocate draws our attention to the material on record in the Case Diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. We have also seen the medical report.

On an overall assessment of the material on record and considering that charge sheet has been submitted upon completion of investigation, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Ganesh Sing @ Singh**, 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 District & Sessions Judge, 2nd Court, Paschim Medinipur, Special Court under POCSO Act. 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 remain outside the jurisdiction of Gurguripal 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 Gurguripal 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) 2955 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.)