

19.11.2024
Item no.19.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 2987 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 **English Bazar Women Police Station Case No. 257 of 2023** dated **23.12.2023** under **Section 6** of the Protection of Children from Sexual Offences Act (POSCO), 2012.

And

In the matter of : Pranab Mandal @ Babua Master.

.....Petitioner.

Md. Wasim Akram

Ms. Reshmi Khatun,for the Petitioner.

Mr. Bidyut Kr. Roy,

Mr. C. Dutta,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated in this case. The reason for filing the false complaint is a dispute between the two families. He is in custody for 333 days. The victim girl has been examined. There is no reason to detain him in judicial custody any further.
2. Learned State advocate opposes the prayer and says that there is sufficient incriminating evidence against the petitioner. 3 out of 23 chargesheet named witnesses have already been examined.
3. We have seen the deposition of the victim girl. We have also seen the other material in the case diary.

The medical report does not appear to support the prosecution case to any extent. The victim girl has already been examined. The petitioner is in custody for close to a year.

4. Considering the facts and circumstances of the case, we are of the view that further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely, **Pranab Mandal @ Babua Master** 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), Malda, and on further conditions that he shall not enter the English Bazar Police Station and shall remain within the jurisdiction of Malda Police Station and shall report to the Officer-in-Charge/Inspector-in-Charge of the concerned police station once in a week 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.)