

08.10.2024
Item no. 28.
Court No.28.
AB
(Allowed)

CRM (DB) 2992 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mogra Police Station Case No.277 of 2023 Dated 28.07.2023 under Section 376(2)(i)/376(2)(n)/377/323/506 of the Indian Penal Code and Section 6(1) of the POCSO Act

And

In the matter of : Madan Singh

.....Petitioner.

Mr. Suman Chakrabortyfor the Petitioner.

Mr. Saibal Bapuli
Mr. Ronit Mukherjeefor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner complains that he is in custody for more than one year and two months. He has been falsely implicated. The trial has not even started. He prays for bail.
2. Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the material in the case diary including the statement of the victim boy recorded under Section 164 Cr.P.C.
3. We have considered the facts and circumstances of the case and the material on record. The petitioner is aged about 64 years. Investigation is complete. We do not see how it is necessary to detain the petitioner in custody any further.

4. Furthermore, there are 28 charge sheet named witnesses and witness action has not yet started. Hence, it is anybody's guess as to when the trial will conclude.
5. In view of the aforesaid, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **Madan Singh** 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 the POCSO Act at Hooghly, and on further conditions that he shall not enter the jurisdiction of Polba Police Station except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the concerned police station and shall meet the Officer in Charge of the concerned police station within whose jurisdiction he shall presently reside once in a fortnight until further orders.
7. 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 and/or commit any cognizable offence in any manner whatsoever.
8. 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.

9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)