

19.11.2024
Item no.22.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3023 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 **Noapara Police Station Case No. 126 of 2024** dated **31.07.2024** under **Section 8** of the Protection of Children from Sexual Offences Act (POSCO), 2012.

And

In the matter of : Bablu Acharya.

.....Petitioner.

Mr. Arindam Jana,
Mr. Subhajit Chowdhury,for the Petitioner.

Mr. Subrata Roy,
Mr. Debanik Das,for the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State be kept with the records.
2. In spite of service, nobody appears for the de facto complainant/victim.
3. The petitioner complains that he has been falsely implicated in this case. He found the victim girl and her boy friend on the roof of the first floor of the petitioner's house. The petitioner's wife is a teacher. The victim and her boy friend had come to take tuition from the petitioner's wife. After other students left, two of them stayed back and were found in an intimate position by the petitioner. The

petitioner slapped the boy. Hence, this false complaint has been lodged.

4. We have seen the material in the case diary. We have also considered the statement of the victim girl recorded under Section 164 Cr.P.C. Considering the nature of the alleged offence and the quality of materials-on-record and considering that chargesheet has been submitted upon completion of investigation, and that the petitioner is a 63-year old person, we are inclined to allow his prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Bablu Acharya** 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), Barrackpore, 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.)