

24.09.2024

Item No.2

Ct.No.34

b.das

Allowed

C.R.M. (SB) 129 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS, 2023 filed in connection with Khardah Police Station Case No.348 of 2024 dated 10.06.2024 under Sections 8 & 12 of the Protection of Children from Sexual Offences Act.

And

In Re : **Ujjal Kumar Pandey @ Munna Pandey @ Ujwal Kumar Pandey**

... Petitioner.

Mr. Moyukh Mukherjee

Mr. Abhijit Singh

Mr. Santu Das

Ms. Sarmistha Basak

Mr. R. Guha Thakurta

... for the Petitioner.

Mr. Partha Pratim Das

Ms. Sana Naaz

... For the State.

On prayer of the petitioner liberty is granted to correct the cause title of the application.

Affidavit of service filed by the petitioner is taken on record.

None appears for the private opposite party despite service.

Learned counsel for the petitioner submits that the petitioner is in custody for about 104 days. Charge sheet has been submitted. He has been falsely implicated due to previous animosity between the families, who are neighbours.

Learned counsel for the State produces the Case Diary and opposes the prayer for bail.

It appears that charge sheet has been submitted against the petitioner under Section 8/12 of the POCSO Act. The petitioner is in custody for about 104 days. The petitioner is a neighbour of the victim's family and prior animosity between two families cannot be ruled out.

Upon consideration of the period of detention of the petitioner as well as material available on record, this Court is of the view that further detention of the petitioner is not required for custodial interrogation.

Accordingly, prayer for bail is allowed.

The petitioner, **Ujjal Kumar Pandey @ Munna Pandey @ Ujwal Kumar Pandey** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge (POCSO Act) cum Additional District & Sessions Judge, 1st Court, Barrackpore, North 24 Parganas subject to condition that the petitioner shall not enter the jurisdiction of Khardaha P.S. and shall furnish the address where he shall presently reside to the learned Trial Court as well as the Investigating Officer and the Officer in Charge of the concerned P.S. where he shall reside presently.

He shall appear before the learned Trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned Trial Court without any justifiable cause, the learned 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 (SB) 129 of 2024, is disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)