

19.11.2024
Item no.65.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3236 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 **Sandeshkhali Police Station Case No. 53 of 2023** dated **05.04.2024** under **Sections 376(2)(f)** of the Indian Penal Code and **Section 6** of the Protection of Children from Sexual Offences Act (POSCO), 2012.

And

In the matter of : Lalchand Munda.

.....Petitioner.

Mr. Kallol Kr. Basu,
Mr. Jannat Ul Firdous,for the Petitioner.

Mr. Debabrata Chatterjee,
Ms. Paramita Sahu,for the State.

Mr. B. Hazra,
Mr. A. Sain
...for the de facto complainant/victim.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 1 year 7 months. Witness action has not yet begun. There are 17 chargesheet named witnesses. There is no possibility of an early conclusion of the trial. In any event, he has been framed in this matter. He is 65-year old man. The de facto complainant has lodged a false complaint due to some land dispute.
2. Learned advocate representing the de facto complainant and the victim girl says that he has instructions not to oppose the bail prayer. He says his instruction is that the complaint was lodged by

the de facto complainant under pressure and for ulterior purpose.

3. Learned State advocate leaves the matter to the discretion of the Court.
4. In view of the stand taken by the de facto complainant, we are inclined to allow the petitioner's prayer for bail on personal bond of Rs.10,000/- without surety as the petitioner has already spent a substantial period of time in judicial custody.
1. Accordingly, we direct that the petitioner, namely, **Lalchand Munda** shall be released on bail upon furnishing a personal bond to the satisfaction of the learned Judge, Special Court (under POCSO Act), Basirhat, 24-Parganas(N), 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.
2. 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.
3. 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.

4. The learned Trial Court has to take appropriate action against the de facto complainant under Section 379 B.N.S.S. (Section 340 Cr.P.C.) after necessary and due enquiry.
5. Let this order be communicated by the parties to the learned Trial Court below.
6. The application for bail is, accordingly, allowed.
7. 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.)