

06.12.2024

Item No.3

Ct.No.34

rc.

Allowed

C.R.M. (SB) 157 of 2024

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 filed in connection with Bharatpur Police Station Case No. 254 of 2024 dated 23rd September, 2024 under Sections 329(4)/75/76/351(3) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 10 of The Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Jamat Sk**

... Petitioner.

Mr. Kallol Kumar Basu

Md. Jannat Ul Firdous

... for the Petitioner.

Mr. Arijit Ganguly

Mrs. Sonali Bhar

... for the State.

Ms. Sipra Naskar

...for the Defacto Complainant

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

Perused the Case Diary.

Learned counsel for the petitioner submits that the petitioner is in custody for 73 days. Charge Sheet has been submitted. The petitioner prays for bail.

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

It appears that the petitioner is in custody for 73 days. Charge Sheet has been submitted.

In view of the nature of allegation against the petitioner as well as the statement of the victim under

Section 164 of the Code of Criminal Procedure, this court is inclined to hold that further detention of the petitioner is not required for the purpose of custodian interrogation.

Prayer for bail is allowed.

Accordingly, the petitioner 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 Court under the POCSO Act, Kandi, Murshidabad subject to condition that the petitioner shall not enter the jurisdiction of Bharatpur Police Station until further orders and shall furnish the address where he shall henceforth reside before the learned Trial Court, the Investigating Officer and the Officer-in-Charge of the police station under whose jurisdiction he shall presently reside. The petitioner is directed to appear before the learned Trial Court on every date of hearing fixed before the learned Trial court. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as referred to above, 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) 157 of 2024, is, thus, 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.)