

23.12.2024

Item No.DL/7
Court No. 35

Kausik, AR(Ct.)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

CRM (SB) 173 of 2024

In Re : An application for Bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, corresponding to erstwhile Section 439 of the Code of Criminal Procedure, 1973 in connection with Bizpur PS Case No. 238 of 2024 dated 02.10.2024 under Sections 8, 10 and 12 of the POCSO Act, 2012.

In the matter of :

Sujit Mondal...Petitioner/Accused Person (In Custody)

**Mr. Saswata Gopal Mukherjee, Sr. Adv.
Mr. Srinjoy Das
Mr. Arvind Kumar Singh
Ms. Sudeshna Chanda**

.....for the Petitioner.

**Mr. Arijit Ganguly
Mr. Anindya Sundar Chatterjee**

....for the state.

Affidavit of service so filed be kept with the record.

Learned advocate appearing on behalf of the petitioner submits that the petitioner is already in custody for 84 days and the investigating authority after conclusion of investigation has already submitted charge sheet before the jurisdictional court.

According to the learned advocate appearing for the petitioner, the petitioner has an unblemished carrier and for the first time such an accusation has been made against him with

mala fide intention, as such he may be released on bail on any grounds.

Mr. Arijit Ganguly, learned advocate appearing on behalf of the state opposes the prayer for bail and draws the attention of the court to the statement of the victim under section 164 of the Code of Criminal Procedure as also the medical reports.

Having considered that the charge sheet has been submitted in connection with the instant case and balancing the fact that the present petitioner may have an influence on the child victim, I am inclined to grant bail only on the following conditions:-

1. The petitioner shall furnish bond of Rs. 10,000/- with two surities of like amount each, one of whom must be local to the satisfaction of the learned Special Court/ACJM, Barrackpore.
2. Till the evidence of the victim child is over, the petitioner shall not be allowed to join his services in the same school.
3. Since the charge sheet has been submitted, petitioner would make himself physically available on each and every day before the learned trial court and would ensure that unnecessary adjournments are not granted on his behalf.
4. Learned Special Court would once in a week fix a date so that after the stage of consideration of charges, at

the earliest in compliance with section 35 of the POCSO Act, the victim can be examined.

With the aforesaid observations CRM (SB) 173 of 2024 is allowed.

Urgent Photostat certified copies, if applied for, be supplied to the parties upon compliance with all requisite formalities.

[Tirthankar Ghosh, J.]