

27.11.2024
SL No.39
srm/Mujahid
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (DB) 584 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **07.11.2024** in connection with **Mathabhanga** P.S. Case No. **484/2024** dated **04.07.2024** under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Krishna Das**

....Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

...for the petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das

...for the State

Mr. Shubhankar Dutta

...for the de facto complainant

Affidavit-of-service is taken on record.

The petitioner has been in custody for 169 days. The petitioner is a 60-year-old man. He prays for bail on the ground that he has been falsely implicated. He is a neighbour of the de facto complainant and there is private dispute between the parties.

Reliance has been placed on the medical report in support of the contention that findings do not support any charge under Section 6 of the POCSO Act.

Learned Advocate for the de facto complainant submits that the petitioner has repeatedly committed the offence. The

victim is a 6 years old. Even after the complaint was lodged, the petitioner has threatened the family of the victim.

Learned Advocate for the State submits that the charge-sheet has been submitted in July, 2024 and charges have been framed.

Considering the medical report and the period of detention, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of equal amount each, to the satisfaction of the learned Special Court under POCSO Act, Mathabhanga, Coochbehar. The petitioner will attend the learned trial court on each and every date fixed. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner shall remain outside the jurisdiction of the Mathabhanga police station till the conclusion of trial, except for the purpose of attending the court. The petitioner will furnish his present address to the local police station where he will be henceforth residing.

In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the learned trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)