

10.01.2025

Item No.6

Ct.No.34

b.das

Allowed

C.R.M. (SB) 05 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Khardah Police Station Case No. 546 of 2024 dated 02.10.2024 under Section 115(2) of the BNS read with Section 8 of the Protection of Children from Sexual Offences Act.

And

In Re : **Sanjib Poddar @ Baban @ Manu**

... Petitioner.

Mr. Debasish Kar

Mr. Husen Mustafi

... for the Petitioner.

Mr. Bidyut Kr. Roy

Mr. Arani Bhattacharyya

... For the State.

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 60 days. Charge sheet has been submitted. His further detention is not required.

The statements of the mother and sister of the victim girl under Section 161 of the Code of Criminal Procedure exonerate the petitioner.

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

Learned counsel submits that the petitioner has been implicated by the victim girl in her statement under Section 164 of the Code of Criminal Procedure.

I have considered the material available in the CD. The petitioner is in custody for about 60 days. Charge sheet has been submitted. There are contradictions in the statements of witnesses which need to be considered by the learned Trial Court at the appropriate stage of the proceeding.

Upon consideration of the material available in the CD and the period of detention of the petitioner as well as the fact that charge sheet has been submitted, this Court is of the view that further detention of the petitioner is not required for the purpose of custodial interrogation.

Accordingly, the prayer for bail is allowed.

The petitioner, **Sanjib Poddar @ Baban @ Manu** 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), Barrackpore, North 24 Parganas subject to condition that the petitioner shall remain outside the jurisdictions of Ghola and Khardah Police Stations and shall furnish his address where he shall presently reside to the investigating officer concerned as well as the learned Trial Court and the officer in charge of the P.S. where he shall presently reside.

The petitioner shall appear before the trial court on every date of hearing until further orders and 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 without any justifiable cause, the 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) 05 of 2025, 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.)