

38.
20-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 598 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Balagarh Police Station Case No.216 of 2024 dated 09-05-2024 under Section 376AB of the Indian Penal Code and Section 4(1) of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : AAAA

.... Petitioner.

Mr. Santanu Talukder,
Mr. Priyankar Ganguly,
Ms. Shalini Bairagi

... For the Petitioner.

Ms. Shaila Afrin,
Mr. Debanik Das

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated because of property dispute between neighbours. He is in custody for more than 10 months. The vulnerable witnesses being the victim girl and her mother have already been examined. No useful purpose will be served by detaining him in judicial custody any further.

2. Learned State counsel, while opposing the prayer for bail, draws our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. The medical report reveals nothing.

3. On an overall assessment of the material on record and the facts and circumstances of the case and considering that the petitioner is a 56 year old person, we are of the view

that since vulnerable witnesses have already been examined, there is no necessity for detaining the petitioner further in judicial custody. The prayer of the petitioner for bail is, thus allowed.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Exclusive POCSO Court, Chinsurah, Hooghly. The petitioner shall appear before the learned 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 and shall not commit any cognizable offence in any manner whatsoever. The petitioner shall not leave the jurisdiction of Chinsurah Police Station except for the purpose of attending the court proceedings and shall appear before the Officer-in-Charge/Inspector-in-Charge of the Ranaghat Police Station once in a week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, Chinsurah Police Station and Balagarh Police Station his current local address at Chinsurah where he shall be residing while on bail.

5. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

6. The application for bail is, thus, **allowed**.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)