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2025
Ct. No. 237

C.R.A.(SB) 204 of 2024
With
IA No. CRAN 1 of 2025
Pratul Maitra @ Pratul Kumar Maitra
Vs.
State of West Bengal & Anr.

Mr. Jayanta Narayan Chatterjee
MSajal Kanti Bhattacharya
Mr. Supreem Naskar
Ms. Jayashree Patra

...For the Appellant

Ms. Sreyashee Biswas
Mr. Dattatreya Dutta

...For the State

Mr. Bidyut Kumar Roy

...For the Amicus Cureae

Re.: IA No. C.R.A.N. 1 of 2025.

Being aggrieved by the order dated 31st August, 2024 passed by the learned Special Judge (under POCSO Act)-cum-Additional District Judge, 2nd Court, Balurghat, Dakshin Dinajpur, the present appeal has been preferred, wherein the appellant has prayed for bail in connection with Special (POCSO) Case No. 37 of 2024.

It is submitted on behalf of the appellant that the appellant is in custody for more than one year and that four vital witnesses have already been examined. This Court by its order dated 20th February, 2025 directed the Court below to conclude the evidence of two vulnerable witnesses being CSW 2 and CSW 3 on the next date. It is further submitted that the evidence of said two witnesses have already been recorded. Accordingly, appellant has prayed for granting bail in any stringent terms and conditions. It is further submitted that the appellant has become seriously ill while he was in custody and he needs

regular treatment by the specialized Doctors.

Learned Counsel appearing on behalf of the State raised objection against the prayer for bail and contended that one vulnerable witness, namely, the Civic Volunteer, who was waiting outside the room at the time of alleged occurrence, is yet to be examined and next date for recording his evidence namely, CSW 4 is fixed on 8th April, 2025 and as such if the appellant is released on bail, there is every likelihood that the appellant will influence the witnesses who are yet to depose and as such before completion of examination of all the vulnerable witnesses, appellant ought not to be released on bail.

Mr. Bidyut Kumar Roy, learned Amicus Curiae also raised objection against the bail prayer and contended that the custody trial of the appellant should continue till disposal of the proceeding.

Having heard learned Counsel appearing on behalf of all the parties and also considering the fact that the victim and some of the vulnerable witnesses have already been examined and also considering the period of detention, this Court is of the view that further detention of the appellant may not be required for the purpose of smooth trial of the case, the prayer for bail made by the appellant is allowed.

The appellant, Pratul Maitra @ Pratul Kumar Maitra is enlarged on bail of Rs. 20,000/- with two registered sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur and also on

condition that the appellant except the dates, he will be asked to appear by the Court, shall not enter within the jurisdiction of the Court till further order and will make himself available before the Court as and when required and also on condition that the appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court.

The appeal, being C.R.A. (SB) 204 of 2024 is accordingly disposed. Consequently, the applications, if pending are also disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(Dr. Ajoy Kumar Mukherjee, J.)