

08.01.2025

Item No.1

Ct.No.34

rc.

Allowed

C.R.M. (SB) 168 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 filed in connection with the Chandrakona Police Station Case No. 391 of 2024 dated 29th November, 2024 under Section 74 of the Bharatiya Nyay Sanhita, 2023 read with Section 8 of The Protection of Children from Sexual Offences Act.

And

In Re : **Radhashyam Halder @ Radheshyam Halder.**

... Petitioner.

Mr. Mrityunjoy Chatterjee

Mr. Tusar Hazra

Mr. Akash Sarkar

... for the Petitioner.

Mrs. Sukanya Bhattacharjee

Ms. Rita Datta

... for the State.

Mr. Bikram Banerjee

Mr. Arka Nandi

....for the defacto complainant

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner is in custody for about 42 days and his further detention is not required. The petitioner and the victim girl are neighbours and no incident as alleged has occurred at all.

Learned counsel for the defacto complainant opposes the prayer and submits that the petitioner is an influential person and releasing him on bail at this stage would result

in lack of security of the victim girl as well as her other minor siblings.

Learned counsel for the State produces the Case Diary and opposes of the prayer for bail. Learned counsel also refers to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

It appears that the petitioner is in custody for about 42 days. Investigation has proceeded with to a considerable extent.

Considering the material available in the Case Diary and the period of detention of the petitioner, this court is inclined to hold that further detention of the petitioner is not required for the purpose of custodial interrogation.

Prayer for bail is allowed.

Accordingly, the petitioner 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 Judge, Special Court under POCSO Act, Ghatal, Paschim Medinipur subject to condition that the petitioner shall not enter the jurisdiction of Chandrakona Police Station and shall furnish the address where he shall henceforth reside before the Investigation Officer, the learned Trial Court and the Officer-in-Charge of the police station under whose jurisdiction he shall presently reside. The petitioner shall enter the jurisdiction of Chandrakona Police Station only for the purpose of meeting the Investigating Officer once a week till submission of

charge sheet. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for bail, being CRM (SB) 168 of 2024, is, thus, 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.)