

16.09.2020
Item No.08
Court No.08
Dc/Aj.

Allowed

C.R.M. 6562 of 2020
C.R.A.N. 1 of 2020
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2020 arising out of Namkhana P.S. Case No. 118 of 2019 dated 27.08.2019 under Sections 363/365 of the Indian Penal Code & adding Section 4 of POCSO Act corresponding to G.R. Case No. 1383 of 2019.

And

In the matter of : Pravanjan Sarkar.
... Petitioner.

Md. Mokaram Hossain,
Mr. Sandipan Maity. ... For the Petitioner.

Mr. Tanmay Kumar Ghosh,
Mr. Arindam Sen. ... For the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody for about 186 days. According to him, there was a love affair between the petitioner and the victim.

Learned counsel appearing on behalf of the State opposes the prayer for bail. However he refers to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

It appears that charge-sheet has already been submitted. 16-year old victim girl had left with the petitioner

on her own volition and after few days she was released by the petitioner. Considering the nature of allegations and the fact that there was some kind of relationship between the victim and the petitioner and the length of custody already suffered by the petitioner in this case, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom shall be local to the satisfaction of the learned Additional Chief Judicial Magistrate, Kakdwip, 24-parganas (South) with further condition to comply with the provision of Section 437(3) of the Code of Criminal Procedure and also on condition that the petitioner shall appear before the learned trial court on all future dates of trial.

In the event, the petitioner fails to appear before the learned trial court without justifiable cause, the learned trial court shall be at liberty to cancel his bail without further reference to this Court.

C.R.M. 6562 of 2020 and C.R.A.N. 1 of 2020 are disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)

(Soumen Sen, J.)