

16.09.2020
Item No.29
Court No.08
Dc/Aj.

Allowed

C.R.M. 6592 of 2020
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure arising out of Pradhannagar P.S. Case No. 394 of 2019 dated 07.08.2019 under Sections 363/365 of the Indian Penal Code & adding Section 6/17 of POCSO Act, 2012 corresponding to Special Case No. 60 of 2019.

And

In the matter of : Bhola Sarkar.

... Petitioner.

Mr. Rajesh Kumar Sharma.

... For the Petitioner.

Mr. Kallol Acharya,
Mr. Tapan Bhattacharjee.

... 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 374 days. According to him, there was a love affair between the petitioner and the victim and the petitioner went away with the victim on her own volition.

Learned counsel appearing on behalf of the State opposes the prayer for bail and refers to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. There the petitioner in a way supported the prosecution case.

In view of 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, Siliguri 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 not enter the jurisdiction of Pradhannagar Police Station except for attending the Court or meeting the Investigating Officer, if called and 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. 6592 of 2020 is 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.)