

18.09.2020
Court No. 19
Item No.21
(D/L)
abhar/bdatta

CRM 6856 of 2020
in
CRAN 1 of 2020
(Via Video Conference)

(allowed) In Re: An application for Bail under Section 439 of the Code of Criminal Procedure in connection with Nodakhali P. S. Case No. 326 of 2018 dated 27.11.2018 under Sections 376(2)(i) & 365 of the Indian Penal Code and Sections 4 & 6 of the POCSO Act.
and

In the matter of: Gokul Adhikari @ Gokul Adhikary.

..... Petitioner

Mr. Ashok Kumar Singh

.....for the Petitioner

Mr. Sudip Ghosh.

Mr. Apurba Kr. Datta.

..... for the State

The learned advocate for the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up.

The application being CRAN 1 of 2020 is accordingly disposed of.

The learned advocate for the petitioner submits that the petitioner has been implicated in the case because he was a priest who has solemnized the marriage of a minor. He further submits that in C.R.M. 4676 of 2020, a co-ordinate Bench of this Court was pleased to grant bail to the principal accused.

Mr. Datta, learned advocate for the State appears with the case diary and submits that the present petitioner is a priest and as such, he has been implicated under the relevant provisions of law.

We have taken into account the materials on record as also the order dated 1st July, 2020 passed in C.R.M. 4676 of 2020 and having regard to the fact that the petitioner is on a better footing than that of the accused who has been granted

bail, we are inclined to release the petitioner on bail. Accordingly, the prayer for bail is allowed.

The petitioner, namely, Gokul Adhikari @ Gokul Adhikary 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 must be local, to the satisfaction of the learned Judge, Special Court under POCSO Act, Alipore, South 24 Parganas subject to the condition that the petitioner shall attend the trial Court on each and every date of hearing unless prevented by sufficient cause and in the event of his failure on any date, without justifiable cause, the trial Court would be at liberty to cancel the bail without any further reference to this Court

The application for bail being CRM 6856 of 2020 is allowed.

(Tirthankar Ghosh, J)

(Harish Tandon, J.)