

32 01.12.2020  
rkd Ct. No.03  
(Allowed)

**C.R.M. 9194 of 2020  
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliyaganj** P.S. Case No. **194 of 2020** dated **17/06/2020** under Sections **493/376/109** of the Indian Penal Code and under Sections **6** of the POCSO Act.

And

In the matter of: Binoy Sarkar

....petitioner.

Mr. P. Roy

...for the petitioner.

Ms. Z. N. Khan,  
Mr. M. F. A. Begg

...for the State.

Petitioner is in custody for 159 days.

Learned counsel appearing on behalf of the State opposes  
the prayer for bail.

Having considered the materials in the case diary and bearing in mind the facts and circumstances of the case in the light of the submission that there was a love affair between the parties and in view of the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner is directed to be released on bail upon furnishing a Bond of Rs. 10,000/- 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, Raiganj, Uttar Dinajpur subject to the condition that during bail he shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offence in

future.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**