

19.02.2021
Court No.28
Item No. 30
Krishnendu
Bail Granted

C.R.M. 435 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Saurav Kayal @ Sourav Kayal**

Petitioner

Mr. Rohit Das
Ms. Ishani Sinha
Mr. Indradip Das
Ms. Kishwar Rahman

For the Petitioner

Mr. Prasun Kumar Datta, Id. A.P.P.
Mr. Santanu Deb Roy

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Gangasagar Coastal Police Station Case No. 155 of 2020 dated 12.11.2020 under sections 363/365/120B/34 of the Indian Penal Code, 1860, added section 6 of Protection of Children from Sexual Offences Act (G.R. Case No.1540 of 2020) (POCSO Case no.35 of 2020).

The learned advocate appearing for the petitioner submits that the petitioner is in custody for 87 days and there are substantially no allegations against him, except that the principal accused and the victim were residing at his residence at Bangalore where he was working. The learned advocate further submits that the parents of the petitioner have also been released on bail and the petitioner being innocent of the

charges, his further detention is unwarranted in view of the fact that charge sheet has already been submitted.

The learned advocate appearing for the State opposes the prayer for bail of the petitioner and draws the attention of this Court to the statement of the victim recorded under section 164 of the Code of Criminal Procedure as also the statements of the other witnesses, who have supported the prosecution case.

We have perused the materials on record, including the statement of the victim and the statements of other witnesses, as relied upon by the prosecution and on an appreciation of the same, we are of the opinion that the petitioner's involvement was for a limited purpose of allowing the principal accused and the victim to stay at his residence and there is no allegation of sexual assault so far as the present petitioner is concerned. Having regard to the aforesaid, we are of the opinion that the petitioner is entitled to be released on bail.

Accordingly, we direct that the petitioner, **Saurav Kayal @ Sourav Kayal** , shall 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 Additional Chief Judicial Magistrate, Kakdwip, South 24-Parganas.

With the aforesaid observations, the application for bail, being CRM No. 435 of 2021, is disposed of.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)

