

27.01.2021

Sl. No. 14

Srimanta

Ct. No. – 30

D/L

**CRM/890/2021
(Via Video Conference)**

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 472 of 2020 dated 10.11.2020 under Sections 8 of the Protection of Children from Sexual Offences Act.

In the matter of : Subhash Sarkar

... Petitioner.

Mrs. Minoti Gomes, Adv.

... for the petitioner.

Mr. B. Panda, Adv.,

Mr. P. Saha, Adv.

...for the State.

Having heard the Learned Advocate for the petitioner and the Learned Public Prosecutor-in-Charge, and on perusal of the materials in case diary it is ascertained that though the victim in her statement under Section 164 of the Code of Criminal Procedure stated about an incident which *prima facie* discloses commission of aggravated sexual assault, the medical report does not suggest so. There is also another discrepancy between the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure and the medical report to the effect that the victim in her statement had complained of pain around her private part but she did not make any such complaint before the Doctor. It is also ascertained from the documents filed on behalf of the petitioner being annexures to the instant application for bail that a long standing dispute between two families are going on resulting in filing of other criminal cases and counter-cases.

For the reasons stated above, I am inclined to release the petitioner on bail.

The petitioner be enlarged on bail of Rs.20,000/- with two sureties of Rs.10,000/- each, one of whom must be a local surety to the satisfaction of the Learned Special Judge, POCSO Court, Ranaghat, Nadia with further condition that if on bail the petitioner will not enter into the jurisdiction of Dhantala Police Station till the culmination of trial of this case except for the purpose of attending the Court on the date of trial. He will also not induce or threaten the witnesses on behalf of the prosecution. Violation of any such conditions will entail the order of bail cancelled without further reference to this Court.

(Bibek Chaudhuri, J.)