

27.07.2021
Item no.31.
Court No.32.
AB (s)
(Allowed)

(Via Video Conference)

CRM No. 3711 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 4.5.2021 in connection with Habra Police Station Case No.605 of 2020 Dated 02.12.2020 under Sections 376/506 of the Indian Penal Code read with Section 4 of the POCSO Act

And

In the matter of : Argha Sarkar @ Bubai

.....Petitioner.

Mr. Sourav Chatterjee,
Mr. Gopal Das,
Mr. Achitya Tiwarifor the Petitioner.

Mr. Binay Kr. Panda,
Ms. Pushpita Saha,
Ms. Trina Mitrafor the State.

The petitioner is in custody for 236 days and prays for bail. It is submitted on behalf of the petitioner that he has been falsely implicated in this case and no offence as alleged transpires from the statement of the victim recorded under Section 164 of the Code. Earlier, a prayer for bail of the petitioner was rejected by this Court on the basis of statement of the victim recorded under Section 161 of the Code as would appear from the order itself.

The State opposes the prayer for bail and refers to statements of witnesses in the case diary.

Having considered the nature of the allegation against the petitioner, the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure and the period of detention suffered by the petitioner and also as investigation is complete upon filing of charge sheet, we are inclined to hold that further detention of the petitioner shall serve no fruitful purpose and he may be granted bail subject to stringent conditions.

Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, North 24 Parganas at Barasat, and on further conditions that he shall not in any manner attempt to contact or get in touch with the victim girl and shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial

court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)