

29.07.2021
Item no. 72
Court No.32.
S.De.(s)
(Allowed)

(Via Video Conference)

CRM 4002 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 09.06.2021 in connection with Hanskhali Police Station Case No. 293 of 2020 Dated 06.07.2020 under Sections 363/366 of the Indian Penal, added Section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Pankaj Sarkar.

.....Petitioner.

Ms. Minoti Gomes, Advocate,

.....for the Petitioner.

Mr. Z.N. Khan, Advocate,
Md. Kutubuddin, Advocate,

.....for the State.

The allegation against the petitioner is under Section 363/366 of the Indian Penal Code. It is submitted on behalf of the petitioner that the petitioner is in custody for 388 days. The victim girl who was a minor at the relevant time eloped with the petitioner on her own volition and the petitioner had no role to play in the alleged incident.

The State produces the case diary and refers to the statement of the victim girl under Section 164 of the Code of Criminal Procedure.

We have considered the material on record as well as the statement of the victim girl under Section 164 of the Code of Criminal Procedure which is exonerative in nature.

Having considered the period of detention of the petitioner as well as the material on record and nature of allegation, we are of the view that further detention of the petitioner is not required and he may be granted bail.

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 Additional District and Sessions Judge, Ranaghat, Nadia and on further conditions that he 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.)