

07.09.2021
tkm/ct 29
sl no. 30

C.R.M. 5814 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Taherpur P.S case no. 137/2020 dated 8.9.2020 under sections 376(3) of the IPC and section 6 of the POCSO Act
And

Allowed

In Re : Abhijit Sardar petitioner

Ms. Sananda Bhattacharyya

..... for the petitioner

Mr. T K Ghosh

Mr. Arindam Sen

..... for the State

Petitioner seeks bail.

Learned advocate for the petitioner submits that the petitioner is in custody for 364 days. She submits that there is discrepancy between the contents of the FIR and the statement recorded under section 164 Cr.P.C. In the statement recorded under section 164 Cr.P.C, the victim girl stated that there was a love relationship between the parties. She draws attention of this Court to the fact that the accused is 20 years old.

Learned lawyer for the State opposes the prayer for bail and draws attention of this Court to the case diary and in particular to the statement recorded under section 164 Cr.P.C.

On a query from the Court, learned advocate for the State submits that charge sheet was submitted. He submits that the next date fixed for taking evidence is on November 24, 2021.

Considering the materials on record and bearing in mind the facts and circumstance of the case and the statement recorded

under section 164 Cr.P.C and the fact that trial already commenced, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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, Ranaghat, Nadia on condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 5814 of 2021 is disposed of.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)