

28.09.2021
Serial no. 26
Aloke

(Through Video Conference)

CRM 6416 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 17.09.2021 in connection with Berhampore Police Station Case No. 40 of 2020 dated 10.01.2020 under Sections 448/376/511 of the Indian Penal Code read with Section 8/12 of the POCSO Act.

And

**In the matter of : Sudhir Halder @ Sudhir Howlader
...Petitioner**

Mr. J.I. Hossain, Advocate

... ... For the Petitioner

Mr. Saswata Gopal Mukherjee, Id. PP

Ms. Faria Hossain, Advocate

... ...For the State

Petitioner seeks bail

Learned advocate appearing for the petitioner submits that the petitioner is in custody for about 113 days. He submits that since police submitted charge-sheet further detention of the petitioner is not required. He submits that the complaint is of a product of a village rivalry between the petitioner and the de facto complainant, who are neighbours.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure and the age of the victim girl.

Considering the statement recorded under Section 164 of the Code of Criminal Procedure of the victim girl and the materials in the case diary and the fact that the police submitted charge sheet, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees

Ten Thousand only) 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, Berhampore, Murshidabad, subject to condition that the petitioner shall appear before the jurisdictional court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the jurisdictional court without any justifiable cause, the jurisdictional court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is allowed.

CRM 6416 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)