

05.10.2021
Serial no. 22
Dd

(Through Video Conference)

CRM 6694 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **S. C. 142 of 2019** arising out of **Bakultala** Police Station Case No. **544 of 2019** dated **24.10.2019 (G.R. 7331 of 2019)** under **Sections 363/365/366/376** of the Indian Penal Code read with Section 4 of the Prevention of Children from Sexual Offences.

-And-

In the matter of : Partha Srathi Banik

... ..Petitioner

Mr. Bipin Baidya, Advocate

... .. For the Petitioner

Mr. Saswata Gopal Mukherji, Ld. PP

Mr. Partha Pratim Das,

Ms. Manasi Roy, Advocates

... ...For the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that subsequent to earlier order of rejection, the evidence of the victim girl was taken. Since the victim girl refused to undergo medical test and considering the evidence of the victim girl, the Court should consider grant of bail.

State is represented.

Without pronouncing upon the quality of the evidence which is to be considered by the Trial Court, in any manner whatsoever, given the fact that evidence of the victim girl is over, we deem it appropriate 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, (POCSO Act), Baruipur, 24 Parganas (South), subject to condition that the petitioner shall appear before the learned trial 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 trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is **allowed**.

CRM 6694 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)