

15.03.2021.
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(Allowed).

Calcutta High Court
In the Circuit Bench at Jalpaiguri

C.R.M. 264 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.02.2021 in connection with Special Case (POCSO) No.91 of 2020 arising out of Dhupguri Police Station Case No. 318 of 2020 dated 06.09.2020 under Sections 376(2)(n)/376(3)/313 of the Indian Penal Code.

In the matter of : Ashim Sarkar

... Petitioner.

Mr. Arnab Saha

...for the Petitioner.

Ms. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

.....for the State.

Heard learned counsel appearing for the parties.

Learned counsel for the petitioner submits that the petitioner is in custody for more than 191 days.

Learned counsel appearing for the State opposes the prayer for bail.

Having considered the materials on record and in view of the fact that charge sheet has already been filed after investigation and, apparently, the statement of the alleged victim girl recorded under Section 164 of the Code of

Criminal Procedure indicates that she exonerates the accused from the charge, there is sufficient prima facie evidence to grant bail.

Accordingly, the petitioner, namely, Ashim Sarkar, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, to the satisfaction of the Special Court (under POCSO Act), subject to condition that the petitioner shall appear before the trial court on every date of hearing and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not leave the State of West Bengal without prior permission of the court.

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 his bail in accordance with law without further reference to this Court.

This application, being C.R.M. 264 of 2021, is disposed of.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)

