

75 28.01.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 62 of 2022
(Via video conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bizpur** P.S. Case No. **589 of 2021** dated **25/11/2021** under Sections **363/354/506/34** of the of the Indian Penal Code adding Section **376** of the Indian Penal Code, 1860 and **4** of Protection of Children from Sexual Offences (POCSO) Act, 2012.

And

In the matter of: Arijit Sarkar @ Ledo

....petitioner.

Ms. Juin Dutta Chakraborty

...for the petitioner.

Mr. Anand Keshri

Mr. Sekhar Mukherjee

Mr. Gaurav Kumar

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that neither of two statements recorded under Section 164 of the Code of Criminal Procedure made by the victim girl names the petitioner as being involved in the incident.

Learned Advocate appearing for the State submits that there are statements recorded under Section 161 of the Code of Criminal Procedure implicating the petitioner. The petitioner is the friend of the principal accused whose name is in the statement recorded under Section 164 of the Code of Criminal procedure.

The victim recorded two statements under Section 164 of the Code of Criminal Procedure. In both the statements, the victim names Ayan Dhar as the person involved in the incident. The petitioner is not named in any of the two statements.

Considering the statements recorded under Section 164 of the Code of Criminal Procedure of the victim and considering the period of detention of the petitioner and the involvement of the petitioner in the incident, we 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 Special Judge under POCSO Act, Barrackpore subject to the condition that during bail he shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being **C.R.M. (DB) 62 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)