

CRM(DB) No.167 of 2022

Via video conference

14.03.22

(S.R.)

Sl.04

Ct.32

Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Taherpur** Police Station Case No.299 of 2021 dated 29.10.2021 under Sections 363/365/34 of the Indian Penal Code and adding Section 8 of the POCSO Act;

And

In re: Gourab Sarkar

... Petitioner.

Ms. Sananda Bhattacharya

... for the petitioner.

Mr. Imran Ali

Ms. Sutapa Banerjee

...for the State.

Ms. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner is innocent. He has been falsely implicated. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for 131 days, is not necessary.

Mr. Ali, learned advocate appearing for the State opposes the petitioner's prayer and submits that there are strong incriminating materials on record against the petitioner and as such, he is not entitled to the relief, as prayed for.

Having heard the learned advocates appearing for the respective parties and considering the manner in which the alleged offence has taken place, the nature of accusations and the period of detention already suffered by the petitioner, we are of the opinion that his further detention is not necessary, more so when upon completion of investigation charge sheet has been submitted. However, his movement needs to be restricted.

Accordingly, the petitioner shall 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 Additional District & Sessions Judge, Special Court under POCSO Act, Ranaghat, Nadia with a further condition that the petitioner shall not enter the jurisdiction of Taherpur Police Station until further orders and shall intimate the address where he would be residing to the Officer-in-Charge of Taherpur Police Station immediately.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the Learned Trial Court on all the dates, as specified for hearing.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being CRM(DB) No.167 of 2022 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)