

75 01.02.2022
PJ Ct. No.29
SM (Allowed)

C.R.M.(DB) 190 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Duttapukur** P.S. Case No. **269 of 2020** dated **11/04/2020** [ST-5(12) 2020] under Sections **376(2)(n)/506** of the Indian Penal Code and Section 6 of POCSO Act.

And

In the matter of: Sumit Bairagi

....petitioner.

Mr. Partha Pratim Das,

...for the petitioner.

Mr. S. S. Imam,

Mr. S. Kundu,

...for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in detention for 1 year 10 months. There is a love affair between the petitioner and the victim girl. He highlights the respective age of the petitioner and the victim girl. He relies on the evidence of the victim in cross-examination.

Learned advocate appearing for the State draws the attention of the Court to the earlier order of rejection as also the contents of the case diary and he submits that five prosecution witnesses were examined at the trial. The next date is fixed on February 9, 2022.

Considering the fact that the evidence of the victim is over and considering the period of detention of the petitioner, 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 Chief Judicial Magistrate, Barasat 24-Paraganas (North), subject to

the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he 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) 190 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

