

28.02.2022

Ct.29

RP 67

Allowed

CRM (DB) 565 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with New Town PS Case No.424 of 2021 dated 03.12.2021 under Sections 363/365 of Indian Penal Code read with Section 4 of POCSO Act.

And

In the matter of : Ripon Sarkar

.... Petitioner

Mr. Susnigdho Bhattacharya

.... For the Petitioner

Mr. S.S. Imam

Mr. S. Kundu

.... For the State

The petitioner seeks bail.

Learned advocate for the petitioner submits that the petitioner is in custody for 85 days. He submits that the police filed charge sheet. There is a love affair between the victim and the petitioner.

Learned advocate appearing for the State draws attention of the Court to the statements of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973.

Considering the fact the victim in her statements recorded under Section 164 of the Code of Criminal Procedure, 1973 states that she voluntarily went with the petitioner and considering the period of detention of the petitioner and the age of the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing 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 under the POCSO Act, 2012 at Barasat, North 24 Parganas subject to the 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 (DB) 565 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

