

15.03.2022
Serial no. 56
Dd

CRM (DB) 699 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Pathar Pratima** Police Station Case No. **270 of 2021** dated **10.10.2021** being Special POCSO Case no. **63** of **2021** under Sections **366A/376(2)(n)** of the Indian Penal Code read with Section **6** of the POCSO Act, 2012.

-And-

In the matter of : Suryakanta Pattanayek

...Petitioner

Ms. Amita Gaur,
Ms. Atulya Sinha,
Ms. Amrita Majhi, Advocates
... .. For the Petitioner

Mr. Saswata Gopal Mukherjee, Id. PP
Mr. Aniket Mitra, Advocates
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 142 days. The police filed charge sheet. She refers to the statements recorded under Section 164 of the Criminal Procedure Code where the victim states that the victim voluntarily resides with the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary. He submits that the victim refused to undergo any medical test.

In her statement recorded under Section 164 of the Criminal Procedure Code, the victim states that there was a relationship between her and the petitioner.

Considering the period of detention of the petitioner and considering the fact that police filed charge sheet and

considering the statements recorded under Section 164 of the Criminal Procedure Code and considering 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 a 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 Additional Sessions Judge, 1st Court, in connection with Special Court under POCSO Act Kakdwip, South 24 Parganas**, subject to 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 of the petitioner is **allowed**.

CRM (DB) 699 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)