

15.03.2022
Serial no. 62
Dd

CRM (DB) 716 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **472 of 2021** dated **18.09.2021** under **Sections 363/365/34** of the Indian Penal Code and Section **4** of Protection of Children from Sexual Offences Act (POCSO Case no. **24 of 2021**)

-And-

In the matter of : Pradip Sardar

...Petitioner

Mr. Asraf Mandal, Advocate
... ... For the Petitioner

Mr. S. S. Imam,
Mr. S. Kundu, Advocates
... ...For the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 177 days. He refers to the statements of the victim recorded under Section 164 of the Criminal Procedure Code.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statements of the victim recorded under Section 164 of the Criminal Procedure Code.

It appears from the statements recorded under Section 164 of the Criminal Procedure Code that the victim went away voluntarily with the petitioner. The age of the victim is 16 years. The age of the petitioner is about 22 years.

Considering the period of detention of the petitioner and considering the fact that earlier prayer for rejection was

refused at that stage and considering the fact that subsequent thereto the petitioner received copies of the materials in the case diary which prosecution seeks to rely upon at the trial under Section 207 of the Criminal Procedure Code, 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 Judge, Special Court, (POCSO), Tehatta, Nadia**, 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) 716 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)