

CRM (DB) 836 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Rajarhat Police Station Case No. 377 of 2021 dated 24.12.2021 under Sections 328/376 of the Indian Penal Code and Section 6 of the POCSO Act.

-And-

In the matter of : Nemai Naskar

...Petitioner

Mr. Sk. Sahjahan Ali, Advocate

Mr. Aniket Mitra, Advocate

... ... For the Petitioner

Mr. Bidyut Kr. Roy, Advocate

Ms. Rita Datta, Advocates

... ...For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 95 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as also that of the mother of the victim. He also draws the attention to the medical examination report of the victim.

In the medical examination report of the victim, it appears that the victim did not suffer any sexual assault. However, there are injury marks on her body.

Considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet and considering the fact that the medical examination report does not speak of any sexual assault on the victim, we enlarge the petitioner on bail.

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 under POCSO Act, 2nd Court at Barasat, North 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) 836 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)