

01.04.2022

Sl. 44

Court No.29

SD/Saswata

(Allowed)

C.R.M. (DB) 860 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Joynagar Police Station Case No. 535 of 2020 dated 25.8.2020 under Sections 363/365 of the Indian Penal Code, 1860 and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Jiarul Sardar @ Jiyarul Sardar @ Jiyarul Mondal

....petitioner.

Mr. Abhra Mukherjee

Mr. Sauradeep Dutta

...for the petitioner.

Mr. Binay Kumar Panda

Ms. Puspita Saha

...for the State.

The petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 77 days. The petitioner and the victim are married and there is a child born out of such wedlock.

Learned advocate for the State draws the attention of the Court to the statement of the victim recorded under Sections 161 and 164 of the Code of Criminal Procedure.

Considering the respective age of the victim and the petitioner and considering the fact that there is a child born out of the relationship between the victim and the petitioner and considering the period of detention of the petitioner and considering the fact that the victim in her statement recorded under Section 161 acknowledges the relationship, 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 Special Judge, under the POCSO Act, Baruipur, South 24-Parganas, subject to the condition that during bail he shall appear before the learned trial court on every date of hearing and 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 CRM (DB) 860 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)