

11.05.2022

Serial no. 35

[Dd]

(Bail **allowed**)

CRM (DB) 1220 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. **185** of **2022** dated **14.03.2022** under Sections **363/365/34** of the Indian Penal Code and added Section **376** of the Indian Penal Code and **4** POCSO Act.

-And-

In the matter of : Sankar Sardar

... .. Petitioner

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Sourav Mukherjee, Advocates
... .. *For the Petitioner*

Mr. Tanmay Kr. Ghosh, Id. SGA
Mr. Arindam Sen, Advocates
... ..*For the State*

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 48 days. There is a love affair between the petitioner and the victim.

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

Considering the period of detention of the petitioner and considering the statement of the victim recorded under Section 164 of the Criminal Procedure Code where the victim acknowledges that she was in a relationship with 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 Judge, Special Court under POCSO Act, 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) 1220 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)