

19.07.2022.
20.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2348 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole P. S. Case No.649 of 2022 dated 20.08.2021 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Sudip Sarkar.

.... Petitioner.

Mr. Kalidas Saha.

...for the Petitioner.

Mr. Joydeep Roy,
Mr. Asif Dewan.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 253 days. He submits there was a love affair between the parties and he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

Plea of amorous relationship between the parties as contended by the petitioner is reflected in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure which is exonerative in nature.

Under such circumstances and the period of detention suffered by the petitioner, we are inclined in granting bail to the petitioner.

Accordingly, the petitioner shall 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 Judge, Special Court under the POCSO Act, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)