

24.08.2022.
18.
as
(Allowed)

C.R.M. (DB) 2647 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pathar Pratima P. S. Case No.211 of 2018 dated 08.10.2018 under Section 376(2)(i) of the Indian Penal Code and charge sheet submitted under Section 376(2)(i) and Section 6 of the POCSO Act.

In the matter of : Samir Barik @ Batas.

.... Petitioner.

Md. Sabir Ahmed,
Mr. Sandip Kr. Mondal,
Mr. Sumit Routh.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Medical report is placed on record. From the report it appears the petitioner suffered chronic SDH (subdural hematoma/hemorrhage) and burr hole craniotomy was done on 15.7.2022. He is under continuous medical treatment. We also note the trial has considerably progressed and the minor victim has already been examined.

Under such circumstances particularly in view of health condition of the petitioner, we are of the opinion he may be granted bail, however, subject to strict conditions.

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,

Kakdwip, South 24-Paraganas subject to condition that the petitioner 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 and on further condition that the petitioner while on bail shall not leave the jurisdiction of Pathar Pratima Police Station except for the purpose of medical treatment and/or attending court proceedings and shall report to the Officer-in-charge of Pathar Pratima Police Station once in a month until further orders.

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.

The application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)