

22.08.2022
cm/ct 28
sl no. 29

C.R.M. (DB) 2789 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Islampur P.S. Case No. 1713 dated 10.12.2015 under Sections 417/376/325/34 of the Indian Penal Code read with Section 6 of Protection of Children from Sexual Offences Act, 2012(POCSO) Subsequently Charge sheet has been submitted under Section 417/376 of the Indian Penal Code read with Section 6 of Protection of Children from Sexual offences Act, 2012(POCSO) (Subsequently charges has been framed for the offences punishable under section 417/376 of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012(POCSO).

Allowed

In Re : Ajoy Sarkar.

..... petitioner

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

..... for the petitioner

Mr. Abhra Mukherjee
Ms. Manisha Sharma

..... for the State

Learned lawyer for the petitioner submits his client was on bail. Due to miscommunication he was unable to appear and warrant of arrest came to be issued. Subsequently, he has been re-arrested. He is in custody for 104 days.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner was initially on bail. Due to circumstances beyond his control petitioner was unable to appear and warrant of arrest came to be issued on 15.01.2022. Thereafter, he was re-arrested and he is presently in custody for 104 days.

In view of the aforesaid circumstances, we are inclined to grant bail to him.

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 Judge, Special Court under POCSO Act, Raiganj, Uttar Dinajpur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM(DB) No. 2789 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)