

04.01.2022
Serial no. 43
Dd

(Through Video Conference)

CRM 8914 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Habibpur** Police Station Case No. **368 of 2021** dated **15.11.2021** under Sections **363/365/34** of the Indian Penal Code and Section **6** of the POCSO Act.

-And-

In the matter of : Sanjoy Ghosh @ Fagu Petitioner

Mr. Arup Kumar Bhowmick, Advocate
... .. For the Petitioner

Mr. Saibal Bapuli, Id. APP
Mr. Arani Bhattacharyya, Advocates
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the police complaint is on the basis of the love relation going sour. He submits that the petitioner is in custody for 44 days.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary including the statements recorded under Section 164 of the Criminal Procedure Code of the victim lady. He submits that the victim lady refused to undergo medical test.

Considering the statements recorded under Section 164 of the Cr.PC of the victim lady which alludes to past relationship between the victim lady and the petitioner and considering the fact that the victim lady refused to undergo

medical examination, 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 Additional District Judge, 2nd Court, Special Court (under POCSO Act), Malda 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 and on further condition that the petitioner shall meet the Investigating Officer once in a month till completion of investigation.

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 is **allowed**.

CRM 8914 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)