

31.10.2022
tkm/ct 28
sl no. 79

C.R.M. (DB) 3831 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Berhampore P.S case no. 1021 of 2021 dated 12.9.2021 under sections 448/376/325/506 of the IPC and section 4 of the POCSO Act
and

Allowed

In Re : Sannyasi Khamaru

..... petitioner

Mr. Samiran Mandal

Mr. A Dan

Mr. N Samanta

..... for the petitioner

Mr. N P Agarwala

Mr. Pratick Bose

..... for the State

Petitioner is in custody for 414 days. He renews his prayer for bail. It is submitted petitioner had lodged a criminal case against the husband of the victim lady and he was arrested. Subsequently, the instant case has been lodged.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record. There was a prior criminal case lodged by the petitioner against the husband of the victim lady. Possibility of false implication on such score cannot be wholly ruled out.

Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner however, subject to conditions.

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, Berhampore 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Berhampore P.S until further orders except for purpose of investigation and attending court proceeding and shall provide address where he shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

In the event he 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) 3831 of 2022 is disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)