

25.11.2022
SI. No.40
akd
[ALLOWED]

C. R. M. (DB) 4146 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.11.2022 in connection with Liluah Police Station Case No. 422 of 2021 dated 16.11.2021 under Sections 376(2)(n)/506 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Bapi Sarkar**

... .. Petitioner

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett

... .. for the petitioner

Mr. Atif Ahmed Siddiqui

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted there was a love affair between the parties. Investigation is complete.

Nobody appears on behalf of the victim. Affidavit-of-service filed in court today be kept with the record.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the victim endorses the submission there was an amorous relationship between two young persons. Bearing in mind the aforesaid fact, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Bapi Sarkar**, 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 Judge, Special Court

under the POCSO Act-cum-Additional Sessions Judge, 2nd Court, Howrah subject to condition that the said 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.

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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)