

16.12.2022
tkm/ct 28
sl no. 24

C.R.M. (DB) 4421 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Topsia P.S case no. 138 of 2016 dated 21.9.2016 under sections 376D/506(II) of the IPC and section 6 of the POCSO Act

Allowed

and
In Re : Soumen Sarkar @ Vicky petitioner

Mr. D Prahladka
Ms. Reshmi Khatun

..... for the petitioner

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

..... for the State

Petitioner is in custody for over six years. He submits victim has already been examined. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the evidence of the victim girl. Although victim stated petitioner was present at the place of occurrence, however he had not raped the victim.

Under such circumstances, we are inclined to grant bail to the petitioner, however, subject to condition.

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 CJM, South 24 Parganas at Alipore 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 remain within the jurisdiction of Tangra P.S except for purpose of investigation and attending court

proceeding and shall report to the Officer-in-Charge of Tangra P.S 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) 4421 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)