

3.01.2022
Item no.44
Court No.1
m.ali
(Allowed)

(Via Video Conference)

CRM No. 1262 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.12.2021 in connection with Maynaguri Police Station Case No.122 of 2021 Dated 16.03.2021 under Sections 363/365/376(3) of the Indian Penal Code.

And

In the matter of : Ram Krishna Sarkar Petitioner.

Mr. Debajit Kundu

.....for the Petitioner.

Mr. Ujjwal Luksom,
Ms. Namrata Das

.....for the State.

It is alleged that the petitioner kidnapped the survivor girl and forcibly married her and also had sexual intercourse with her.

The petitioner says that this is all a concocted story. He is in no manner involved in the alleged offence.

We have seen the material in the case diary. The statement of the survivor girl recorded under Section 164 of the Code of Criminal Procedure does not say much. The medical report shows that she refused to undergo medical examination.

In view of the aforesaid and in view of the fact that the petitioner is in custody for about 210 days and charge sheet has been submitted upon conclusion of investigation, we are

inclined to allow the petitioner's prayer for bail but on stringent conditions.

Accordingly, we direct that the petitioner, namely Ram Krishna Sarkar shall 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, 2nd Court, (Under the Protection of Children from Sexual Offences Act, 2012.), Jalpaiguri and on further conditions that he shall remain within the jurisdiction of the concerned police station and the petitioner shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)

