

24.02.2023
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allowed

CRM(DB) No. 557 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gaighata Police Station Case No. 361 of 2022 dated 21.04.2022 under Sections 342/376DA/120B of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re : Purnima Sarkar & Anr. petitioners

Mr. Malay Bhattacharyya
Mr. Subhrojyoti Ghosh

.....for the petitioners

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

..... for the State

Mr. Rohan Ojha
Mr. Biswajit Mondal
Mr. Shamim Akhtar

..... for the de facto complainant

Learned Counsel for the petitioners submits they are in custody for 309 days. They are not the principal accuseds. Victim has already been examined. They pray for bail.

Learned Counsel for the State opposes the prayer for bail.

Learned Counsel for the de facto complainant also opposes the prayer for bail.

We have considered the materials on record. Petitioners are not the principal accuseds. Victim has already been examined. Under such circumstances, we are inclined to grant bail to them.

Accordingly, we direct that the petitioners namely 1) Purnima Sarkar and 2) Arpan Sarkar shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Bongaon, North 24 Parganas, subject to condition that the petitioners 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 in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)