

16-03-2023
Item no.02
bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 53 of 2023

Atul Sarkar

-vs-

The State of West Bengal & Anr.

In Re: An application for bail under Section 439 of the code of Criminal Procedure, 1973 filed on 3rd March, 2023 in connection with Taherpur Police Station Case No. 405 of 2022 dated 21.08.2022 under Section 354A of the Indian Penal Code and u/s. 8 of the POCSO Act(corresponding to POCSO Trial No. 11(11) 2022).

Mr. Sagar Saha
Mr. Subir Debnath
Ms. Roma Roy

...for the petitioner.

Mr. S. S. Imam
Mr. S. Kundu

... for the State.

Mr. Saha, learned advocate appearing on behalf of the petitioner submits that the petitioner is in custody for about 206 days and the evidence of P.W.1 being the victim girl before the learned trial court is over. Learned advocate further submits that on any stringent conditions, the petitioner may be released on bail.

Mr. Imam, learned advocate appearing on behalf of the State opposes the prayer for bail and draws the attention of the court to the earlier order rejecting the prayer for bail.

I have considered the submissions of the learned advocate for the petitioner as well as the State. The earlier prayer for bail was rejected on the ground that the victim girl was yet to be examined before the trial court or by the prosecution.

Presently, the evidence of the victim girl is over. I have considered the evidence of the victim girl.

Having regard to the changed circumstances, I am inclined to release the petitioner on bail.

Accordingly, the petitioner shall be released on bail by furnishing a bond of Rs.10,000/-(Rupees ten thousand only) with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Learned Additional District and Sessions Judge, Ranaghat, Nadia in seisin of POCSO Trial No. 11(11)2022.

If on bail, on each and every date, the petitioner shall attend the trial court physically.

The petitioner shall inform any change of address to the trial court.

The petitioner should not contribute to any delay in the progress of the trial.

With the aforesaid observations, the present application for bail being CRM(SB) No. 53 of 2023 is disposed of.

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

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

