

14.06.2023

Sl. 12
Court No.29
Suvayan
(Allowed)

C.R.M. (DB) 1995 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **English Bazar** P. S. Case No. **515 of 2023** dated **03.04.2023** under Sections **363/365** of the IPC with adding Section **366A/120B** of the IPC and Section **6/17** of the POCSO Act, registered as POCSO case No. **47 of 2023** (corresponding G.R. case No. **2025 of 2023**).

And

In the matter of: **Sayan Sarkar & Anr.**

....petitioners

Mr. Musharraf Alam Sk

...for the petitioners.

Mr. Joydeep Roy

Ms. Sujata Das

...for the State.

1. Heard the learned Counsel for both the parties.
2. The compliance report of I.O. filed by learned Counsel for the State be taken on record.
3. The petitioner No. 1 is the principal accused with whom the victim is alleged to have left the village to roam at different places. Petitioner No. 2 is the father of petitioner No. 1.
4. Considered the materials placed by learned Counsel for the parties including the statement of the victim recorded under Section 164 Cr.P.C. There is no allegation of any specific overt act against the petitioners by the victim in her such statement. It is only stated by her that she and the petitioner roam at different places for few days and returned back to the village. The investigation is stated to have progressed substantially.
5. Regard being had to the facts and submissions in the case, factum of permanent residence of the petitioners, nature of allegation and substantial progress in the investigation, it is directed that both the petitioners shall be released on bail by the learned Judge, Special Court, ADJ 2nd Court, Malda in

POCSO case No. 47 of 2023 arising out of English Bazar P.S. case No. 515 of 2023 on such terms and conditions as deemed just and proper in the facts and circumstances of the present case.

6. Accordingly, the prayer for bail of the petitioners are allowed.
7. CRM (DB) 1995 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)