

43. **29.05.2023**
Ct.4 jb/Tanmoy

Allowed

CRM (DB) 2150 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Ashokenagar Police Station Case No. 954 of 2022 dated 06.10.2022 under Sections 363/365 of the Indian Penal Code, 1860 and subsequently under Sections 363/365/376/366A/120B of the Indian Penal Code, 1860 read with Section 4 of the POCSO Act, 2012.

And

In the matter of: - **Chandan Halder @ Raj**

...petitioner.

Mr. Susnigdho Bhattacharyya,
Ms. Bidisha Chakrabarty

...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP,
Mr. Pratick Bose

...for the State.

Mr. Susnigdho Bhattacharyya, learned Advocate appearing on behalf of the petitioner submits that the petitioner was arrested on October 15, 2022 and the Investigating Agency, on conclusion of investigation, submitted a charge-sheet under Sections 363/365/376/366A/120B of the Indian Penal Code, 1860 read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Rudradipta Nandy, learned Advocate appearing for the State opposes the prayer for bail and has produced the case diary.

We have considered the medical report, the age of the victim girl and also the age of the petitioner that is about 21 years, as submitted. We have also assessed the deposition of the victim girl

in Court. On assessment of the same we are of the opinion that further detention of the petitioner is unwarranted.

Accordingly the prayer for bail of the petitioner is allowed.

Accordingly, the petitioner, 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 Special Judge under POCSO Act, Barasat, North 24-Parganas. If on bail, the petitioner shall be physically present on each and every date when the learned trial Court fixes schedule of the date for trial of the case until further orders. If the petitioner changes his place of residence or intends to go out of the district of North 24-Parganas, he shall seek permission of the learned Special Court, Barasat, North 24-Parganas.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, the trial Court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

With the aforesaid observation, the application for bail being CRM (DB) 2150 of 2023 is allowed and disposed of.

(Rai Chattopadhyay, J.)

(Tirthankar Ghosh, J.)