

12.06.2023

Sl. 24

Court No. 29

Sourav

(Allowed)

C.R.M. (DB) 2166 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Deganga** Police Station Case No. **250** of **2022** dated **11.04.2022** under Section **376AB** of the Indian Penal Code, 1860.

And

In the matter of: **Newsad Sardar**

....petitioner.

Md. Yunush Mondal

Mr. Pronojit Roy

...for the petitioner.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

...for the State.

Mr. Hasan Sardar

Mr. Neelotpal Sen

... for the de facto complainant.

1. Heard learned Counsel for the parties.
2. We find a *prima facie* case against the petitioner under Section 6 of the POCSO Act. The trial has already commenced and the victim girl has already been examined. We find some discrepancy in the statement of the victim recorded under Section 161/164 Cr.P.C. but that has no value now when the victim girl has already been examined in Court.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, commencement of trial in the meantime, incarceration of the petitioner for more than one year, it is directed that the petitioner shall be released on bail by the learned Judge, Special (POCSO) Court, Barasaat, North 24 Parganas, on such terms and conditions as deemed just and proper in the facts and circumstances of the case in Connection with Deganga Police Station Case No. 250 of 2022

dated 11.04.2022 including the condition that i) the petitioner shall appear before the Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C. ii) the petitioner shall not leave the jurisdiction of the Court without leave of the learned Trial Judge.

4. Accordingly, the prayer for bail is allowed.
5. The application being **CRM (DB) 2166 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

