

06-07-2023
Item no.06
bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 131 of 2023

Shachin Sarkar @ Sachin Sarkar & Anr.

-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 9th June, 2023 in connection with Tehatta Police Station Case No. 344 of 2023 dated 01.05.2023 under Sections 509/506/34 IPC and added Sections 8/12 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Atis Kumar Biswas
Ms. Jyoti Agarwal

...for the petitioners.

Mr. Arijit Ganguly
Mr. Avik Ghatak

... for the State.

Learned advocate for the petitioner submits that the petitioner no. 1 is in custody for about 54 days and the petitioner no. 2 is in custody for about 45 days.

The petitioners are grand-parents of one Debjit Biswas. The allegations against them are only restricted to that they did not respond when the grand-mother of the victim raised hue and cry.

Mr. Ganguly, learned advocate for the State opposes the prayer for bail and submits that there are specific allegations against the present petitioners and the statements recorded both under Section 161 Cr.P.C and Section 164 Cr.P.C to implicate the present petitioners.

I have considered the submissions of the learned advocate advanced on behalf of the petitioners as well for the State.

Having regard to the complicity of the present petitioners, I am of the view that further detention of the present petitioners are

unwarranted. As such, the prayer for bail of the present petitioners is allowed.

Accordingly, the petitioners shall be released on bail by furnishing a bond of Rs.10,000/- (Rupees ten thousand only) each with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the learned special court/learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

If on bail, the petitioners shall appear before the Investigating Agency as and when called for.

The petitioners shall be physically present on the dates so fixed by the learned special court. If there are allegations of further intimidation to the victim or their family members, the learned special court would be at liberty to cancel the bail without further reference to this court.

With the aforesaid observations, the present application for bail being CRM(SB) No.131 of 2023 is disposed of.

Affidavit of service so filed by kept with the record.

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]

