

CRM(DB) No. 2507 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nischinda Police Station Case No. 151 of 2022 dated 22.06.2022 under Sections 363/365/376 of the Indian Penal Code and Sections 4/6 of POCSO Act.

In Re : Sandip Nandi

And
..... petitioner

Mr. Sabir Ahmed
Mr. Arabinda Pathak
Mr. Biswajit Sarkar
Mr. Shraman Sarkar
Mr. Dhiman Banerjee
Mr. Soham Chakraborty
Ms. S. Ghosh

....for the petitioner

Mr. Sujan Chatterjee
.... for the State

Mr. Bibaswan Bhattacharya
Ms. Bindia Paul
.... for de facto complainant

Learned Counsel for the petitioner submits he is in custody for 321 days. It is also submitted there was free mixing between the parties. Victim was aware that petitioner was a married person. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

Learned Counsel for the de facto complainant submits she was unaware of the marital status of the petitioner.

We have considered the materials on record. Statement of the victim recorded under Section 164 of the Code of Criminal Procedure shows there was free mixing between the parties.

Keeping in mind the aforesaid circumstance and the protracted period of detention suffered by the petitioner though the victim is a minor, we are inclined to grant bail to him subject to condition.

Accordingly, we direct that 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 Judge, Special Court (POCSO), Howrah, on further conditions that the petitioner shall not enter the district of Nischinda Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the investigating agency as well as court below and shall meet the Officer-in-Charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. He shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)