

07.07.2023
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 2698 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.07.2023 in connection with Kushmandi Police Station Case No.115 of 2022 dated 17.05.2022 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: **Sajal Sarkar**

... .. Petitioner

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Anindya Ghosh
Mr. Souvik Das

... .. for the petitioner

Mr. Swapan Banerjee
Mrs. Purnima Ghosh

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 415 days. It is further submitted there was free mixing between two young persons. They eloped. Subsequently, the instant case has been falsely recorded. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the minor. Her statement requires to be assessed in the light of the aforesaid submission that there was free mixing between two young persons. Petitioner had suffered incarceration for a protracted period of time. Charge has already been framed. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sajal Sarkar**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court

under the POCSO Act, Gangarampur at Buniadpur, Dakshin Dinajpur subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)