

16.08.2023
Sl. No.31
akd
[ALLOWED]

C. R. M. (DB) 3030 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.07.2023 in connection with Berhampore Police Station Case No.63 of 2021 dated 18.01.2021 under Sections 363/365/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 363/365/376/34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: **Mriganka Sarkar @ Niganka Sarkar**

... .. Petitioner

Ms. Shabana Hasin

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate

Ms. Sujata Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 112 days. It is further submitted he is not the principal accused. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of service, nobody appears for the victim girl.
4. We have considered the materials on record. Minor victim has already been traced out. Petitioner is not the principal accused. Keeping in mind the extent of complicity of the petitioner in the alleged crime and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Mriganka Sarkar @ Niganka 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, Berhampore, Murshidabad 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.

6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)