

18.12.2023
Sl. No.86
akd
[ALLOWED]

C. R. M. (DB) 4246 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.10.2023 in connection with Kotwali Police Station Case No.765 of 2023 dated 16.08.2023 under Section 376(3) of the Indian Penal Code read with Section 6(1) of the POCSO Act.

And

In Re: **Souvik Sarkar**

... .. Petitioner

Mr. Sabir Ahmed
Mr. Tasnim Ahmed
Ms. Suman Biswas
Mr. Dhiman Banerjee

... .. for the petitioner

Mr. Arijit Ganguly
Ms. Debjani Sahu

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. Report is placed on record.
3. In spite of notice, nobody appears on behalf of the victim.
4. We have considered the materials on record. There was free mixing between two young persons. Allegation of circulating obscene pictures is not supported by electronic evidence. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Souvik 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, Krishnanagar, Nadia 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.)