

02.02.2024
Sl. No.40
akd
[ALLOWED]

C. R. M. (DB) 320 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2024 in connection with Habra Police Station Case No.460 of 2023 dated 19.05.2023 under Sections 363/365 of the Indian Penal Code and subsequently charge sheet filed under Sections 363/365/366/376(2)(i)(n) of the Indian Penal Code, Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act, 2006. (G.R. Case No.1241 of 2023)

And

In Re: **Sahadev Chakraborty @ Sahadeb Chakraborty @ Pijush Chakraborty**

... .. Petitioner

Mr. Susnigdho Bhattacharyya
Ms. Bidisha Chakraborty

... .. for the petitioner

Mr. Abhra Mukherjee
Mr. Subrato Roy

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 245 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of service, nobody appears on behalf of the victim.
4. We have considered the materials on record including the evidence of the victim. She has not implicated the petitioner in her evidence. In cross-examination, she stated she made statement before Magistrate on dictation of the police. Father of the victim has also been examined as PW2. In view of the nature of evidence on record and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Sahadev Chakraborty @ Sahadeb Chakraborty @ Pijush Chakraborty**, 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, Barasat, North 24-Parganas 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)