

15.03.2024.
28.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 639 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rananghat Women P.S. Case No.94 of 2019 dated 30.10.2019 under Section 6 of the POCSO Act read with Sections 376AB of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Samir Adhikary.**

.... Petitioner.

Mr. Sumannta Das,
Ms. Atreyee Halder.

...for the Petitioner.

Ms. Sreyashee Biswas.

...for the State.

1. Petitioner is in custody for more than four years. He submits victim made prevaricating statements on oath. De-facto complainant has not supported the case. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. In spite of service nobody appears for the victim.
4. We have considered the materials on record. We have also examined the evidence of the de-facto complainant (sister of the victim and the victim herself that is PWs 1 and 2 respectively). PW 1 stated she lodged the written complaint out of misunderstanding. PW 2 during cross-examination stated she had been physically assaulted by the teacher and had cried out. Victim had refused medical examination.
5. Under such circumstances, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Samir Adhikary** 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 under the POCSO Act, Ranaghat, Nadia subject to condition that he 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.

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

8. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)