

01.04.2024

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Allowed

CRM (DB) No. 688 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 158 of 2022 dated 04.02.2022 under Sections 363/365 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Debasish Sardar @ Debasis Sardar petitioner

Mr. Soumya Basu Roy Chowdhuri
.....for the petitioner

Ms. Faria Hossain, learned APP
Ms. Suparna Chatterjee
....for the State

Ms. Sonali Bhar
..... for de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for about three years. There was a romantic relationship between the parties. Due to pressure from her parents victim left her residence and took refuge at the house of the petitioner. He is innocent and accordingly he prays for bail.

2. Learned Counsel for the State produces the Case Diary.

3. Learned Counsel for the de facto complainant, mother of the victim, opposes the bail prayer. She submits victim is a minor and petitioner had seduced her away on a

number of occasions. She apprehends that petitioner shall commit similar offence if released on bail.

4. We have considered the materials on record. We have also examined the statement of the victim. She states there was a romantic relationship between her and the petitioner. However, we need to take into consideration the fact that the victim is a minor and there is possibility that the petitioner may again seduce her away.

5. Under such circumstances, we are of the opinion though further detention of the petitioner may not be necessary his movement requires to be restricted in order to prevent his influence on the victim till she attains majority.

6. Accordingly, we direct that the petitioner 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 POCSO Act, Howrah, on further conditions that while on bail petitioner shall remain within the jurisdiction of Sankrail Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer in Charge of the Sankrail Police Station once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

8. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)