

06.03.2024
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allowed

CRM(DB) No. 721 of 2024

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

And

In Re : Asit Sarkar @ Ashit Sarkar petitioner

Mr. Debanshu Ghorai
Mr. Anisur Rahman

....for the petitioner

Mr. Rana Mukherjee
Ms. Ratna Ghosh

.... for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record.

Petitioner is in custody for 79 days. Investigation is complete. He is not the principal accused. Under such circumstances, we are inclined to grant bail to the petitioner.

3. 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, Murshidabad at Berhampore, subject to conditions that 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.

4. 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)