

20.03.2024
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allowed

CRM (DB) No. 871 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Debra Police Station Case No. 701 of 2019 dated 30.12.2019 under Sections 341/376D/328/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

In Re : Sayan Khanra

And
..... petitioner

Mr. Pravas Bhattacharyya
....for the petitioner

Mr. Debasis Roy, learned PP
Mr. Sandip Chakraborty
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than four years. It is also submitted vulnerable witness i.e. PW 1 has been examined. Co-accused, Akash Singh and Biswajit are on bail. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have examined the evidence of the victim. Victim, (PW 1) disclosed presence of the petitioner with others at the spot. However, it is not alleged he had raped the victim. Petitioner is in custody for a protracted period of time. Whether he shared common intention with co-accused Sanju Nag and Subhadip Nag to commit rape may be assessed during trial. Accordingly, we are inclined to grant bail to the petitioner.

4. 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, Paschim Medinipur, 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.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)