

08.04.2024
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allowed

CRM (DB) No. 1036 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Barasat Police Station Case No. 877 of 2023 dated 07.12.2023 under Section 376D of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Pritam Roy petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Ms. Labani Sikder

....for the petitioner

Mr. Kaushik Kundu
Mr. Arup Sarkar

.... for the State

1. Let affidavit-of-service filed in Court be kept on record.

2. Nobody appears for the victim.

3. We have considered the materials on record. We have examined the allegations in the FIR. It appears that the principal accused, Bivas Das was lured by the victim and her mother through a social media site. Allegation of rape requires to be assessed in the aforesaid backdrop. Principal accused, Bivas Das has been enlarged on bail. Under such circumstances, 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, Barasat, North 24-Parganas, 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.

(Prasenjit Biswas, J.)

(Joymalya Bagchi, J.)