

16.04.2024.
29.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1138 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore P.S. 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.

In the matter of : **Ratan Sarkar & Anr.**

.... Petitioners.

Mr. Anisur Rahaman,
Mr. Arnab Chatterjee.

...for the Petitioners.

Ms. Faria Hossain, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Petitioner No.1 is in custody for 120 days and petitioner No.2 is in custody for 113 days respectively. They are not the principal accused. Co-accused viz., Mriganka Sarkar @ Niganka Sarkar and Asit Sarkar @ Ashit Sarkar similarly circumstanced with the petitioner are on bail.
3. Hence, we are inclined to extend the similar relief to the petitioners also.
4. Accordingly, the petitioners viz., **Ratan Sarkar and Fatik Sarkar @ Pradip Sarkar** shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Berhampore, Murshidabad subject to condition that they 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.

5. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)