

15.04.2024
tkm/ct 28
sl no. 37

C.R.M. (DB) 1135 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chandannagore P.S case no. 183 of 2023 dated 12.12.2023 under sections 417/376(2)(i)(n) IPC read with sections 4/6 of the POCSO Act
and

Allowed

In Re : Sagnik Sen @Joy

... petitioner

Mr. Bitasok Banerjee
Mr. A Salam

..... for the petitioner

Mr. Sudip Kumar
Mr. Samarjit Balial

..... for the State

1. Petitioner is in custody for 122 days. He submits there was a romantic relationship between him and the victim. He prays for bail.

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

3. We have considered the materials on record. We have also noted the statement of the victim. She stated she had a physical relationship with the petitioner. She also had a physical relationship with his friend namely Argha Choudhury. Strangely the said Argha Choudhury has not been arrayed as an accused in the case.

4. Under such circumstances we are of the opinion petitioner may be released on bail.

5. Accordingly, the petitioner 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 ACJM Chandannagore on condition that the petitioner shall appear before the trial court on every date of hearing and shall not

intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

7. As statement of the minor victim recorded under section 164 Cr.P.C discloses one Argha Choudhury had sexual intercourse with her, we direct the trial court to summon the said Argha Choudhury as an accused in the case.

8. Copy of the order be sent to the trial judge for necessary action.

9. The application being CRM (DB) 1135 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)