

03.05.2024.
16.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1223 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagarpara P.S. Case No.222 of 2021 dated 15.12.2021 under Sections 376/511/506 of the Indian Penal Code and Sections 8 & 10 of the POCSO Act and charge sheet submitted under Sections 376AB/506 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Sukhen Saha.**

.... Petitioner.

Mr. Sandip Chakraborty,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Koustav Das.

...for the Petitioner.

Mr. Provash Bhattacharyya,
Ms. Atulya Sinha.

...for the State.

1. In spite of notice nobody appears for the victim.
2. Heard the learned Advocates for the parties.
3. We have perused the evidence of the minor (PW 1). She has not alleged penetrative sexual assault. In view of her evidence and the period of detention suffered by the petitioner i.e. two years and three months, we are inclined to grant bail to the petitioner.
4. Accordingly, the petitioner viz., **Sukhen Saha** 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 the POCSO Act, Berhampore, Murshidabad subject to condition that he 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 petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his 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.)