

CRM (DB) 1713 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sagarpara Police Station** Case No. **343 of 2022** dated **15.12.2022** under Sections **363/365/376(2)(n)** of the Indian Penal Code read with Section 6 of the POCSO Act.

- A n d -

In the matter of : Surajit Saha @ Mikel

.... Petitioner.

Mr. Anit Dey,

... For the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Kanchan Roy,

... For the State.

The petitioner says that he is in custody for 163 days. He has no major role to play in the alleged incident.

The petitioner's learned Advocate draws our attention to the deposition of the victim girl recorded before the learned Trial Court. She clearly says that she had a love affair with the principal accused, namely, Sher Khan. In cross-examination she says that she has no allegation against Sher Khan or the present petitioner.

Learned Advocate for the State opposes the prayer for bail.

In view of the aforesaid and in view of the fact that Sher Khan was enlarged on bail by this Court by an order dated 19.06.2024 in CRM(DB) 1766 of 2024, we are inclined to allow this application for bail.

Accordingly, we direct that the petitioner, namely, **Surajit Saha @ Mikel**, 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 Special Judge

under the POCSO Act, Berhampore, Murshidabad and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)