

19.06.2024
Item no.59.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1766 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.06.2024 in connection with Sagarpara Police Station Case No. 343 of 2022 dated 15.12.2022 under Sections 363/365 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Sher Khan.

.....Petitioner.

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

.....for the Petitioner.

Mr. Anand Keshri,

.....for the State.

Ms. Minoti Gomes,
Mr. Saptarshi Pakrashi,

...for the de facto complainant.

The petitioner says that he had a love affair with the victim girl. He has been falsely implicated. He is in custody for 8 months. Charge-sheet has been submitted. He prays for bail.

The State opposes the prayer for bail. Our attention is drawn to the victim girl's statement recorded under Section 164 Cr.P.C. Learned advocate says that the victim girl has clearly implicated the petitioner.

Our attention is also drawn by the petitioner's learned advocate to the evidence recorded by the victim girl before the

learned Trial Court. The victim girl completely exonerates the petitioner. She says that talks of marriage are going on between the families. This is corroborated by learned advocate appearing for the de facto complainant.

In view of the aforesaid, we see no reason to detain the petitioner in custody any further.

Accordingly, we direct that the petitioner namely **Sher Khan** 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 Protection of Children from Sexual Offences Act, Berhampore, Murshidabad and on further conditions that he shall remain within the jurisdiction of the concerned police station.

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 and/or commit any cognizable offence 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.

(Gaurang Kanth, J.)

(Arijit Banerjee, J.)