

04.07.2024
Item no. 18.
Court No.28.
AB
(Allowed)

CRM (DB) 1857 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kakdwip Police Station Case No.135 of 2019 Dated 3.7.2019 under Sections 363/365/376(3) of the Indian Penal Code read with Section 6(1) of the POCSO Act

And

In the matter of : Sanjoy Naskar

.....Petitioner.

Mr. Supriyo Shasmalfor the Petitioner.

Ms. Amita Gaur,
Mr. Bidyut Kumar Royfor the State.

The petitioner renews his prayer for bail, which was rejected earlier on December 22, 2023.

The petitioner says that he has been falsely implicated. There is material inconsistency between the statements recorded by the witnesses including the victim girl. Even in the deposition of the victim girl, there are significant inconsistencies. He places the depositions before us.

Learned Advocate for the State opposes the prayer and says that the allegation is serious. There is enough prima facie material implicating the petitioner.

We find that the petitioner is in custody for about one year and four months. Only one witness i.e. the victim girl has been examined till now out of 21 witnesses named in the charge

sheet. It is anybody's guess when the trial will conclude. Further, the nature and quality of material on record including the deposition of the victim girl is such, as persuades us to grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely **Sanjoy Naskar** 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 at Kakdwip, South 24 Parganas, and on further conditions that he shall not enter the jurisdiction of Kakdwip Police Station except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the concerned police station and shall meet the Officer in Charge of the concerned police station within whose jurisdiction he shall presently reside 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 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)