

30.7.2024
Ct. No. 6
SL No.59
SB /
Tanmoy

C.R.M. (DB) 2184 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sonarpur** P.S. Case No. 1378 of 2024 dated **26.12.2023** under Sections 341/376/354D/509/506/34 of the Indian Penal Code read with Section 6/12 POCSO Act.

And

In the matter of: Avijit Bhattacharya@ Abhijit Bhattacharjee

Mr. Arindam Jana

Ms. Tanushree Kar

Ms. O. Mukhopadhyay ...for the Petitioner

Mr. Rana Mukherjeefor the State

1. Learned counsel for the petitioner submits the petitioner is in custody for 200 days. He contends he has been falsely implicated in the instant case. He prays for bail.
2. Learned counsel for the State opposes the bail prayer.
3. In spite of notice nobody appears for the victim.
4. We have considered the materials on record including the statement of the victim recorded before the Magistrate. In her statement the victim does not allege penetrative sexual assault. Keeping in mind the aforesaid facts, we are inclined to enlarge the petitioner on bail.
5. Accordingly, we direct the petitioner 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 POCSO Act, Baruipur, South 24 Parganas subject to condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition while on bail the petitioner shall not enter the jurisdiction of Sonarpur Police Station except for the purpose of attending Court proceeding and shall report

to the officer-in-charge Sonarpur police station once in a week until further order.

6. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.

7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)