

43. 12.08.2024
Court
No.6 (Tanmoy)

Allowed

CRM (DB) 2400 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Bhimpur** Police Station Case No. **46/2024**, dated **07.02.2024** under Sections **363/365/366/34** of the Indian Penal Code. Charge-sheet submitted under Section **4** of the POCSO Act POCSO case no.47/2024.

And

In the matter of: - **Sudip Sarkar**

...petitioner.

Mr. Prabir Majumder
Mr. Snehansu Majumder

...for the petitioner.

Ms. Amita Gaur
Ms. Manisha Sharma

...for the State.

1. Heard learned counsel for petitioner and the State.
2. Inspite of notice nobody appears for the victim.
3. Petitioner is in custody for 137 days.
4. We have considered the materials on record. We have also perused the statement of victim. She stated that she had eloped with the petitioner out of her own will.
5. Keeping in mind the aforesaid fact and period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.
6. Accordingly, we direct the petitioner, namely, **Sudip Sarkar** 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, Krishnagar, Nadia, 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.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)