

11.11.2024
Item no. 63.
Court No.1.
AB
(Allowed)

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM (DB) 539 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ghoskadanga Police Station Case No.193 of 2024 Dated 26.04.2024 under Sections 363/365/109 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Haradhan Sarkar

.....Petitioner.

Mr. Hillol Saha Poddar,
Ms. Mousumi Dasfor the Petitioner.

Mr. Jaydeep Kanta Bhowmick
Mr. Sayantan Bhowmick,
Mr. Shubham Kumar,
Ms. Sayantani Dasfor the Defacto complainant.

Mr. Sourav Ganguly,
Ms. Sukanya Adhikarifor the State.

Dictated by Biswaroop Chowdhury, J.

1. Learned Advocate for the petitioner, learned Advocate for the State and learned Advocate for the defacto complainant are present.
2. Heard learned Advocates for the parties.
3. Learned Advocate for the petitioner submits that his client is falsely implicated in the instant case and considering the age of his client and the period of detention i.e. 198 days, the prayer for bail be considered.

4. Learned Advocate for the State of West Bengal and learned Advocate for the defacto complainant object to the grant of bail. In the instant case, there is allegation that the victim girl was taken to the temple for marriage but there is no allegation that the victim girl was taken to any particular place confined and certain sexual act was committed on her.
5. Upon perusal of the medical report, apparently no injury appears. However, considering the statement recorded under Section 164 Cr.P.C. and the medical examination report and other materials in the case diary, although it would not be proper to make further observation with regard to the merits of the case, but considering the age of the petitioner and the period of detention and the fact that charge sheet has already been submitted, this Court is of the view that in the interest of justice, the petitioner should be granted an opportunity to remain on bail.
6. Thus, we allow the prayer of the petitioner.
7. Accordingly, we direct that the petitioner, namely **Haradhan 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 the POCSO Act at Mathabhanga, and on further condition that he shall not enter the jurisdiction of

Ghoskadanga 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 not meet with any person acquainted with the facts of the case.

8. 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.
9. 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.
10. The application for bail is, accordingly, allowed.
11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)

