

C.R.M. (DB) No. 4287 of 2024

In Re: - An application for bail under Section 439 of Code of Criminal Procedure / 483 of the B.N.S.S. 2023 in connection with Kulti P.S. Case No. 346 of 2024 dated 14.7.2024, under Section 8/12 of POCSO Act.

In the matter of : XXXXX

Mr. Sankar Mukherjee
Ms. Marie Kundufor the Petitioner

Mr. Joydeep Biswas
Ms. Sreemoyee Roy ... for the State

1. Petitioner is in custody for a period in excess of seven months.
2. Police filed charge sheet.
3. Statement of the victim recorded under Section 164 of Criminal Procedure Code does not speak of penetrative sexual assault. Victim did not undergo medical examination at the material point of time.
4. In such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Exclusive POCSO Court, Asansol, Paschim Bardhaman subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and / or tamper with evidence in any manner whatsoever.

6. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
7. The prayer for bail of the petitioner is allowed.
8. CRM (DB) 4287 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)