

Order No. 26, dated 14.02.2025.

Accused **Sujan @ Purnendu Halder and Nirmal Sarkar** are not physically produced but available through VC.

Today is fixed for bail hearing of accused persons namely, Sujan @ Purnendu Halder and Nirmal Sarkar .

Ld. Advocates for the accused persons and Ld. Special PP on behalf of the State are present.

Bail petition filed on behalf of the accused is taken up for hearing and order.

Heard both sides.

Ld. Advocate on behalf of the accused Nirmal Sarkar submits that the accused Nirmal Sarkar was granted anticipatory by the Hon'ble High Court vide order dt. 10.01.24 passed in CRM (A) 4898 of 2023 and the said accused surrendered before this court on 16.04.2024 and since then he was on bail but on 11.09.24 the accused could not appear before the court for which W/A was issued against him and after knowing the same the accused voluntarily surrendered before this court on 11.02.2025 and since then he is in custody. He further submits that the accused may be released on bail on any condition.

Ld. Advocate for accused Sujan @ Purnendu Halder submits that the accused Sujan @ Purnendu Halder was granted anticipatory bail by Hon'ble High Court vide order dt. 14.09.23 passed in CRM(A) 3983 of 2023 but due to pendency of the W/A against the accused he has been arrested and produced before this court on 01.02.2025 and since then he is in custody. He further submits that the accused may be released on bail on any condition.

Ld. Special opposes the prayer of bail of both the accused persons.

Defacto complainant and VG are present and they have raised objection against the bail prayer of the accused persons.

Perused the materials on record and CD.

It appears that the principal accused Subho Karmakar @ Promoth Ranjan Karmakar has been granted bail by the Hon'ble High Court , Calcutta and other four accused persons were granted anticipatory bail by the Hon'ble High Court out of which three accused persons namely, Durga Karmakar , Rinku Karmakar and Nirmal Sarkar were surrendered before this court and were granted regular bail, but accused Sujan @ Purnendu Halder did not surrender before this court after granting anticipatory bail by the Hon'ble High Court and on the strength of W/A he was arrested and produced before this court on 01.02.2025.

It is also found that as per statement of the VG recorded u/S. 164 Cr.P.C. there was a romantic relation between the principal accused Subho Karmakar @ Promoth Ranjan Karmakar and VG and the said principal accused is on bail.

Having heard both sides and considering the materials on record and CD, the period of detention of accused persons in custody, nature of allegation against the present accused persons and also taking into account the order of Hon'ble High Court allowing the prayer for anticipatory bail of the present accused persons , I think that further detention of the present accused persons is not required, and thus, the bail prayer of both the accused persons is allowed.

Accordingly, accused **Sujan @ Purnendu Halder** may find bail on furnishing bail bond of Rs. 10,000/- each with two sureties of like amount each, subject to the satisfaction of this Court, on condition that he will appear before the Court on each and every date of hearing, i.d. to J.C.

Accused **Nirmal Sarkar** may find bail on furnishing bail bond of Rs. 10,000/-each with two sureties of like amount each, other than the previous sureties , subject to the satisfaction of this Court, on condition that he will appear before the Court on each and every date of hearing, i.d. to J.C.

In terms of the direction of the Hon'ble Apex Court in its true spirit in SMWP (CRIMINAL) No.4 of 2021 dated 31.01.2023 communicated vide Memo No. 1865(53)/HCGF Dated 03.05.2023, vide email on 04.05.2023, let a soft copy of this order be sent to the Superintendent, Lalbagh, Sub-Correctional Home, Murshidabad in its official email i.d. supdtcswb.lbg-wb@gov.in and Secretary SDLSA, Lalbagh, Murshidabad in sdlsclalbagh.msd@gmail.com for abundant precaution.

Bail bond to be furnished on behalf of the accused be presented for verification in the Office of the Ld. ACJM, Lalbagh to check the fitness and capacity of the surety. Let the Order be transmitted to Ld. ACJM, Lalbagh, Murshidabad.

Put up the case record again for acceptance of the bail bonds after verification report from Ld. ACJM, Lalbagh, Murshidabad.

To -date i.e. 19.05.2025 for production/appearance, if on bail.

Dictd. & Cortd. by me.

Judge, Special Court,
Lalbagh, Msd.

Judge, Special Court,
Lalbagh, Murshidabad

POCSO Case No. 34 of 2023
JO Code-WB00617

Latter

Order dt.14.02.2025:

A petition is filed by the mother of the VG praying for victim compensation.

Ld. Advocate Mumtaj Begam who has been appointment from the SDLSC, Lalbagh for the present petitioner/ mother of the VG .

Ld. Special PP is present.

Heard the prayer of the mother of the VG for victim compensation.

Ld. Advocate for the petitioner / mother of the VG submits that the VG is a minor and therefore interim compensation may be allowed.

Ld. Special PP submits that on perusal of case record and C/D necessary order will be passed.

Perused the case record wherefrom it appears the case was initially started u/S. 363/365/34 IPC and subsequently charge sheet has been submitted u/S. 363/365/120B/376(3) IPC , 4 POCSO Act and 9 Prohibition of Child Marriage Act. As per statement of VG recorded u/S. 164 Cr.P.C. she has voluntarily left with the accused Subho Karmakar and married him. As per medical examination report no mark of injury was found in the person of the VG including her private part.

The petitioner/ mother of the vG is present and on being asked she submits that no medical treatment of the VG was required.

Considering the facts and circumstance I think it is not a fit case to allow interim victim compensation in favour of the petitioner at this stage.

Accordingly, prayer for interim compensation is rejected at this stage.

However it is made clear that this order will not bar for passing any order of victim compensation at time of disposal of the present case.

Dictd. & Cortd. by me.

Judge, Special Court,
Lalbagh, Msd.

Judge, Special Court,
Lalbagh, Murshidabad

Memo No._____/

Dated : 14.02.2025

A copy of this order be forwarded to the Ld. ACJM, Lalbagh, Murshidabad for information and necessary action.

Judge, Special Court,
Lalbagh, Murshidabad.