

21.
Court
No.28

10.06.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1523 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with POCSO No. 88 of 2021 arising out of **Bhatpara Police Station Case No.435 of 2021** dated **01.08.2021** under Sections **363/365** of the Indian Penal Code with added Section **376(3)** of the Indian Penal Code, read with Section **4/6** of the POCSO Act.

And
In the matter of: - **Suraj Gupta**

Mr. Md. Bani Israil, Adv.

...petitioner.

...for the petitioner.

Mr. Parthapratim Das, Adv.,
Mr. Karan Bapuli, Adv.

...for the State.

Affidavit of service filed in Court today be kept with the records. From the affidavit of service filed on behalf of the petitioner, we find that the victim girl has been notified of this application through her mother who is the *de facto* complainant. However, nobody appears for them.

The allegation is of abduction of a minor girl by the petitioner and his mother and handing over the girl to a third person who committed rape on the victim girl.

We find that the mother of the petitioner was granted bail by a co-ordinate Bench by an order dated September 4, 2023, passed in CRM (DB) 3457 of 2023. The petitioner stands on the same footing as his mother and this is not disputed on behalf of the State. We further find that the principal accused has also been granted bail as is recorded in the order dated September 4,

2023, referred to above. We also find that investigation is complete and charge-sheet has been filed.

In view of the aforesaid, we are inclined to allow this application for bail.

Accordingly, we direct that the petitioner, namely, **Suraj Gupta** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under POCSO Act, Barrackpore, North 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the Trial Court until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any 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.

The application for bail being CRM (DB) 1523 of 2024 is accordingly disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)