

24.
Court
No.28

14.06.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1668 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with C. Special Case No. 15 of 2024 arising out of **Nowda Police Station Case No.356 of 2023** dated **28.10.2023** under Sections **363/365/34/376(3)** of the Indian Penal Code, read with Section **6/17** of the POCSO Act, 2012.

And
In the matter of: - **Hasan Biswas @ Hasanujjaman Biswas**

...petitioner.
Mr. Ali Ahsan Alamgir, Adv.,
Ms. June Modak, Adv.
...for the petitioner.

Mr. Suman De, Adv.,
Mr. Mainak Gupta, Adv.
...for the State.

Ms. Soma Pal, Adv.,
Ms. Rabia Khatoon, Adv.
...for the *de facto* complainant.

Affidavit of service filed in Court today be kept with the records.

The allegation is under the provisions of the Protection of Children from Sexual Offences Act, 2012.

The petitioner says that there is a love affair between the petitioner and the victim girl. The victim girl left her paternal home voluntarily and went to stay with her relative. From that place she was recovered later. The petitioner is in custody for 72 days. Investigation is complete. Charge-sheet has been filed.

Learned Advocate for the State opposes the prayer for bail.

We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973. She unequivocally admits that she is in love with the petitioner and that she left her paternal house on her own.

Learned Advocate for the *de facto* complainant says that he has instructions not to oppose the prayer for bail. Parties are trying to come to an amicable settlement.

In view of the aforesaid and since charge-sheet has already been filed, we see no reason for detaining the petitioner in custody any further.

Accordingly, we direct that the petitioner, namely, **Hasan Biswas @ Hasanujjaman Biswas** 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, Berhampore, Murshidabad, 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) 1668 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.)