

31.
04-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1921 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagnan Police Station Case No.55 of 2024 dated 30-01-2024 under Sections 363/376/323 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Biswajit Samanta

.... Petitioner.

Mr. Soumya Basu Roy Chowdhuri

... For the Petitioner.

Mr. Saryati Datta,
Ms. Dhanasree Biswas

... For the State.

The victim girl in her statement recorded under Section 164 of Cr.P.C. has clearly stated that she ran away with the petitioner on her own volition and got married. Thereafter, she got pregnant and also got aborted.

The defacto-complainant appears in person and opposes the prayer for bail.

The petitioner is in custody for 157 days. Investigation is complete. Charge sheet has been filed.

In view of the statement of the victim, we do not see any further justification for detaining the petitioner in custody.

Accordingly, we direct that the petitioner, namely, **Biswajit Samanta**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Sessions Judge (Special Court), 1st Court, Uluberia, Howrah. 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 in any manner whatsoever. The petitioner shall remain outside the jurisdiction of Bagnan Police Station and shall inform, through his learned advocate, the learned trial court as well as the Officer-in-Charge of Bagnan Police Station his current local address where he would be residing while on bail and shall report to the Officer-in-Charge of the said jurisdictional police station once in every fortnight until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1921 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)