

09.
Court
No.28

09.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1984 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with POCSO Case No. 16 of 2024 arising out of **All Women Jhargram Police Station Case No.8 of 2024** dated **21.01.2024** under Sections **363/365/376** of the Indian Penal Code, read with Section **6** of the POCSO Act, 2012.

And
In the matter of: - **Sanjay Patra**

Mr. Soumyajit Das Mahapatra, Adv. ...petitioner.
Mr. Antarikhya Basu, Adv., ...for the petitioner.
Ms. Debolina Das, 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 bail application. However, nobody appears for the victim girl.

The petitioner says that he has absolutely no role to play in the alleged offence. He was, in fact, trying to save the victim girl from child marriage. He is in custody for 58 days. Charge-sheet has been filed upon completion of investigation.

Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973. There is absolutely nothing in such statement which implicates the petitioner. The medical report also does not support the prosecution case to any extent at all.

In view of the aforesaid, we are inclined to allow the petitioner’s prayer for bail.

Accordingly, we direct that the petitioner, namely, **Sanjay Patra**, 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 the learned Judge, Special Court (under POCSO Act), Jhargram, 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 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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) 1984 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.)