

54.
Court
No.28

04.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2012 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with S.C. (Spl) Case No. 03 of 2024 arising out of **Barabazar Police Station Case No.202 of 2023** dated **21.12.2023** under Sections **363/365** of the Indian Penal Code, read with Section **6** of the POCSO Act, 2012.

And
In the matter of: - **Himanshu Kumar @ Himangshu Kumar**
...petitioner.
Mr. Navanil De, Adv.,
Mr. Srijan Ghosh, Adv.
...for the petitioner.

Mr. Ranabir Roychowdhury, Adv.,
Ms. Dattatreya Dutta, Adv.
...for the State.

The petitioner was 19 years of age and the victim girl was 16 years old at the time of the alleged incident. The allegation is that the petitioner took the victim girl to a hotel and had physical relationship with her.

Learned Advocate for the State opposes the prayer for bail.

We have seen the material in the case diary including the victim girl’s statement recorded under Section 164 of the Code of Criminal Procedure, 1973 / Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023. She says that after the incident the petitioner took her to the Police station. The medical report also does not support the prosecution case.

Investigation is complete. Charge-sheet has been filed. The petitioner is in custody for six months and ten days. July 16, 2024, is the date fixed for consideration of charges.

In the facts and circumstances afore-stated, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Himanshu Kumar @ Himangshu Kumar**, 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 Additional Sessions Judge, 2nd Court (Special Court under POCSO Act), Purulia, 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. 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) 2012 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.)