

14. 22.08.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2129 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Kharagpur (Town)** Police Station Case **No.431/2022** dated **20.07.2022** under Sections **363/365** of the Indian Penal Code. Charge-sheet submitted under Sections **363/365/376D** of the Indian Penal Code read with Section **6** of the POCSO Act, 2012.

And

In the matter of: - **Pratham @ Prothom @ Rajib Chowdhury**

...petitioner.

Mr. Sourav Chatterjee
Mr. Soumyajit Das Mahapatra
Mr. Madhurai Sinha

...for the petitioner.

Ms. Minoti Gomes
Ms. Sudipa Biswas

...for the State.

Dictated by Arijit Banerjee, J.

1. The allegation is of abduction and rape. The petitioner is not named by the victim girl in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973. She named other persons in her statement. She refused medical examination. The petitioner is in custody for one year and nine months. The trial has not begun. He prays for bail.
2. Under those circumstances, we are of the view that the petitioner is entitled to bail.
3. Accordingly, we direct that the petitioner, namely, **Pratham @ Prothom @ Rajib Chowdhury** 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 Additional Sessions Judge, 2nd Court, (Special Judge under POCSO Act), Paschim Medinipur, 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.

4. 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 his bail in accordance with law without further reference to this Court.
5. The application for bail being CRM (DB) 2129 of 2024 is accordingly disposed of.
6. 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.)