

37.
22-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2199 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with New Town Police Station Case No.96 of 2024 dated 10-04-2024 under Sections 363/365 of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Sintu Barik @ Pinu

.... Petitioner.

Mr. Mazahar Hossain Chowdhury

... For the Petitioner.

Mr. Anand Keshari,

Mr. Ivan Ray

... For the State.

Dictated by Arijit Banerjee, J.

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

The petitioner says that he had a love relationship with the victim girl, who was more than 17 years old at the time of the alleged incident. The petitioner was 25 years old. He is in custody for 92 days. Investigation is complete. He prays for bail.

While opposing the prayer for bail, learned advocate for the State draws our attention to the material in the Case Diary. We have seen the victim girl's statement which does not *prima facie* support the prosecution case. There is nothing in the medical report also.

Considering the facts and circumstances of the case and the material on record, and also the fact that

investigation is complete, we allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Sintu Barik @ Pinu**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of learned Judge, Special Court under POCSO Act, Barasat, North 24 Parganas. The petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said 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) 2199 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.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)