

18.
Court
No.28

22.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2265 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 **Sankrail** Police Station Case **No.595/2022** dated **04.06.2022** under Section 4 of the POCSO Act, 2012.

And

In the matter of: - **Sumanta Das @ Abhi**

Mr. Soumya Basu Roy Chowdhuri

Mr. S.S. Imam, Ld. Sr. Govt. Adv.
Ms. Debjani Dasgupta

...petitioner.
...for the petitioner.
...for the State.

Dictated by Arijit Banerjee, J.

1. Leave is granted to learned Advocate-on-Record for the petitioner to correct the cause title of the bail petition.
2. The petitioner says that there was a love affair between the victim girl, 17 years old at the time of the incident and the petitioner who was 21 years of age. The vulnerable witnesses have all been examined. He is in custody for two years and three months. There is no necessity of detaining him in custody any further.
3. While opposing the prayer for bail, learned Advocate for the State draws our attention to the deposition of the victim girl.
4. We cannot say that there is no incriminating evidence against the petitioner at all. However, the petitioner has been in custody for a considerable period of time. Since vulnerable

witnesses have been examined, we do not see any reason to keep the petitioner in custody any further. Hence, the prayer for bail is allowed.

5. Accordingly, we direct that the petitioner, namely, **Sumanta Das @ Abhi** 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 District Judge, 2nd Court, (Special Judge under POCSO Act), Howrah, 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 and on further condition that the petitioner, while on bail, shall not enter the geographical limits of the district of Howrah except for the purpose of attending Court proceedings until further orders and shall also furnish the local address where he will be residing to the Officer-in-Charge of Sankrail Police Station. The petitioner shall not intimidate and/or disturb the victim girl and her family members in any manner whatsoever.
6. 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.

7. The application for bail being CRM (DB) 2265 of 2024 is accordingly disposed of.
8. 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.)