

41.
Court
No.28

29.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 2488 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 **Patiram** Police Station Case **No.32/2024** dated **06.02.2024** under Sections **363/365/109** of the Indian Penal Code. Charge-sheet No. 118/2024, submitted under Sections **363/365/109** of the Indian Penal Code adding Section **376** Indian Penal Code read with Section **6** of POCSO Act, 2012.

And

In the matter of: - **Amrit Saha @ Amrita**

...petitioner.
Mr. Kaushik Chowdhury

...for the petitioner.
Mr. Antarikhya Basu
Mr. Sourat Nandy

...for the State.

Dictated by Arijit Banerjee, J.

1. Affidavit of service filed by the State be kept with the records.

From the affidavit of service it appears that the *de facto* complainant/victim has been served. However, in spite of service nobody appears for the *de facto* complainant/victim.

2. The petitioner says that there was a love affair between him and the victim girl, who was about 17 years of age, at the time of the alleged incident. Investigation is complete. Charge-sheet has been submitted. He prays for bail.

3. While opposing the prayer for bail, learned Counsel for the State draws our attention to the relevant material in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal procedure, 1973. She completely exonerated the petitioner. She said that she, on her own volition, ran away with the petitioner. She has also refused medical examination.

4. In view of the aforesaid, we are inclined to enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely, **Amrit Saha @ Amrita** 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-cum-ADJ, 2nd Court, Balurghat, Dakshin Dinajpur, 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.
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) 2488 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.)