

24.12.2024  
Item no. 17.  
Court No.29.  
AB  
(Allowed)

**CRM (DB) 2695 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baishnabnagar Police Station Case No.787 of 2022 Dated 03.09.2022 under Sections 363/365/366A of the Indian Penal Code read with Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act

And

**In the matter of : Sujoy Ghosh**

**.....Petitioner.**

Mr. Tapodip Gupta                      .....for the Petitioner.

Ms. Z. N. Khan,  
Ms. Kanchan Roy                      .....for the State.

**Dictated by Partha Sarathi Sen, J.**

1. The report with regard to the service upon the victim girl as filed on behalf of the State is taken on record.
2. In support of the application for bail, learned Advocate for the petitioner submits before this Court that considering the fact that the present accused petitioner is languishing in judicial custody for more than two years and three months, the instant application for bail may be considered favourably.
3. At the time of hearing, learned Advocate for the accused petitioner also requests us to go through the deposition of the P.W.1 (victim girl) as recorded by the learned Trial Court. It is submitted that from the said deposition, it would reveal that the present petitioner and the victim

girl were in love affair and on account of such love affair, they eloped together.

4. The prayer for bail is, however, opposed on behalf of the State.
5. On perusal of the entire materials as placed before us, it appears from the deposition of P.W.1 that there was a love affair between the accused petitioner and P.W.1. The petitioner is languishing in judicial custody for a considerable period of time. We have also noticed that the deposition of the victim girl has already been recorded. We prima facie do not find so much incriminating material as against this petitioner. Hence, we are inclined to enlarge the petitioner on bail.
6. Accordingly, we direct that the petitioner, namely **SUJOY GHOSH** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act at Malda, and on further 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 until further orders and shall not intimidate the witnesses and/or tamper with

evidence and/or commit any cognizable offence in any manner whatsoever.

7. In the event the petitioner fails to adhere to any of the conditions stipulated above without 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.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Arijit Banerjee, J.)**

**(Partha Sarathi Sen, J.)**