

38. 19.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2791 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 **Dholahat** Police Station Case **No.46/2023** dated **30.01.2023** under Sections **363/365** of the Indian Penal Code. Charge-sheet under Sections **363/365/366A/370/370A/372/373/376(2n)/120B** of the Indian Penal Code read with Section **6(1)** of POCSO Act, 2012.
And

In the matter of: - **Jaidul Sk.**

...petitioner.

Mr. Ayan Basu
Mr. Sandip Kr. Mondal
Mr. Sumit Routh

...for the petitioner.

Ms. Zareen Nasima Khan
Mr. Sayan Dev Kumar

...for the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State be kept with the records.
2. In spite of service nobody appears for the *de facto* complainant/victim girl.
3. The petitioner renews his prayer for bail which was rejected earlier twice on July 4, 2023, in CRM (DB) 2544 of 2023 and on April 18, 2024, in CRM (DB) 1192 of 2024. At those times the victim girl had not yet been examined.
4. The deposition of the victim girl has been placed before us by learned Advocate for the petitioner. She said in no uncertain terms that the present petitioner did not commit any mischief with her. In view of the aforesaid and considering that the

petitioner is in custody for more than one year and seven months, we allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Jaidul Sk.** 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 & Sessions Judge, 1st Court and Special Court under POCSO Act, Kakdwip, South 24-Parganas, 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) 2791 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)