

CRM (DB) 2887 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the BNSS in connection with **Chapra Police Station** Case No. **646 of 2024** dated **25.06.2024** under Sections **323/376/34** of the Indian Penal Code read with Section 6 of the POCSO Act.

- A n d -

In the matter of : Buddhadeb Biswas & Anr.

.... Petitioners.

Mr. Snehansu Majumder,

... For the Petitioners.

Mr. Bitasok Banerjee,

Mr. A. Dewan,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The allegation is that the son of the petitioners, one Indrajit Biswas, forcibly married the victim girl. The victim girl gave birth to a child. The medical superintendent of the Hospital where the child was born is the defacto complainant.
2. Notice has been served on the defacto complainant. Nobody appears.
3. The petitioner says they have nothing to do with the alleged offence. They are in custody for more than 90 days. Investigation is complete. Their further custodial detention is completely unnecessary.
4. Learned Advocate for the State, while opposing the bail prayer, draws our attention to the statement of the victim girl recorded under Sections 161 as well as 164 of the Cr. P. C. In the second statement she says that everything has been sorted out by the local Panchayat.

5. Considering the material on record and the possible extent of complicity of the present petitioners, who are the parents of the prime accused, in the alleged crime and also considering that the investigation is complete, we are inclined to enlarge the petitioners on bail.

6. Accordingly, we direct that the petitioners, namely, **Buddhadeb Biswas and Mithu Biswas**, shall be released on bail upon furnishing a bond of Rs. 10,000/- each, 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, Krishnagar, Nadia and on further conditions that they shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioners shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)