

21.
Court
No.28

04.10.2024
(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2894 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, arising out of **Raghunathganj** Police Station Case No. **496/2024**, dated **11.05.2024**, under Section 4 of the POCSO Act.

And

In the matter of: - **Bikram Mondal**

...petitioner.

Mr. Ayan Bhattacharya
Mr. Kunal Ganguly

...for the petitioner.

Mr. Ranadeb Sengupta
Ms. Chandreyi Dutta

...for the State.

Dictated by Arijit Banerjee, J.

- Affidavit of service filed in Court today be kept with the records. In spite of service nobody appears for the *de facto* complainant/victim.
- The petitioner says that there was amorous relationship between him and the victim girl who was about 17 years of age at the relevant time. There was consensual physical relationship between them. After the relationship broke up, false complaint has been lodged six months after the alleged incident. He is in custody for four months and 23 days. Investigation is complete. Charge-sheet has also been submitted. His continued custodial detention may not be necessary. He prays for bail.

3. Opposing the prayer for bail learned Advocate for the State says that the victim girl was a minor at the relevant point of time. She has implicated the petitioner in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973. The DNA test result is awaited. The supplementary charge-sheet will be filed along with the report.
4. We have considered the material on record. There appears to have been a love relationship between the petitioner, 26 years old, and the victim girl. The physical relationship between them appears to have been consensual. We are told that the victim girl has already been examined before the learned Trial Court. Hence, we are of the view that further custodial detention of the petitioner may not be necessary. The prayer for bail is, thus, allowed.
5. Accordingly, we direct that the petitioner, namely, **Bikram Mondal** 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, Jangipur, Murshidabad, 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 remain within the geographical limits of the district of Murshidabad but shall not enter the territorial jurisdiction of Raghunathganj Police Station except for the purpose of attending Court proceedings. The petitioner shall furnish his present address, where he will be residing, to the Officer-in-Charge of Raghunathganj Police Station and also meet the Officer-in-Charge of the jurisdictional Police Station, where they will be presently residing, once in a week, until further orders.

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) 2894 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.)