

19.11.2024  
Item no.67.  
Court No.29.  
S. De  
(Allowed)

**CRM (DB) No. 3240 of 2024**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Chanditala Police Station Case No. 176 of 2024** dated **09.03.2024** under **Sections 363/365** of the Indian Penal Code and **Section 363/365/376(2)(n)** of the Indian Penal Code read with **Section 6** of the Protection of Children from Sexual Offences Act (POSCO), 2012.

And

**In the matter of : Sachin Kumar.**

**.....Petitioner.**

Mr. Pawan Kr. Gupta,  
Ms. Sofia Nesar,  
Mr. Santanu Sett, .....for the Petitioner.

Mr. Arnab Chatterjee,  
Ms. Debjani Sahu, .....for the State.

**Dictated by Arijit Banerjee, J.**

1. The petitioner says that he is in custody for 233 days. He has been falsely implicated. Investigation is complete. Chargesheet has been filed. He prays for bail.
2. In spite of service, nobody appears for the de facto complainant/victim.
3. Let the service report, filed by the State be kept with the records.
4. Opposing the prayer for bail, learned State counsel draws our attention to the statement of the victim girl, aged about 17 years 10 months at the time of

the alleged incident, recorded under Section 164 Cr.P.C. There is nothing significant in the medical report.

5. On an overall consideration of the material-on-record and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that further custodial detention of the petitioner is not necessary.
6. Accordingly, we direct that the petitioner, namely, **Sachin Kumar** 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 POCSO Act), Serampore and on further conditions that he 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.
7. The petitioner 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.
8. 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.

9. The application for bail is, accordingly, allowed.

10. 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.)**