

38.
25-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2925 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tapan Police Station Case No.676 of 2023 dated 16-11-2023 under Section 363 of the Indian Penal Code and subsequently charge sheet submitted adding Section 365 of the Indian Penal Code and adding Sections 9/10 of Child Marriage Act read with Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Apurba Bhuimali

.... Petitioner.

Mr. Kaushik Choudhury

... For the Petitioner.

Mr. Saryati Dutta,
Ms. Sudeshna Das

... For the State.

Ms. Tapati Sarkar

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

Affidavit-of-Service filed in Court today is taken on record.

The petitioner says that he was in a romantic relationship with the victim girl. They eloped and got married. He is in custody for 278 days. Investigation is complete. He prays for bail.

Learned State counsel and learned advocate for the defacto complainant oppose the bail prayer. We have been shown the material in the Case Diary including the statement of the victim girl recorded under Sections 161 and 164 of the

Code of Criminal Procedure. It is evident that there was a love relationship between the petitioner and the victim girl.

In view of the aforesaid, we are inclined to exercise our discretion in favour of the petitioner and allow this application.

Accordingly, we direct that the petitioner, namely, **Apurba Bhuimali**, 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 learned Judge, Special Court under POCSO Act-cum-Additional District Judge, 2nd Court, Balurghat, Dakshin Dinajpur. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station, until further orders and shall meet the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2925 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)