

CRM (DB) 2968 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the BNSS in connection with **Margram Police Station** Case No. **18 of 2024** dated **23.01.2024** under Sections **363/365/120B** of the Indian Penal Code read with Sections 4/6 of the POCSO Act.

- A n d -

In the matter of : Abhijit Mal @ Abhijeet Mal

.... Petitioner.

Mr. Sujoy Sarkar,
Mr. Rahul Chachan,
Ms. Shena Srivastava,

... For the Petitioner.

Mr. Joydeep Roy,
Mr. Bikram Mitra,

... For the State.

Mr. Arnab Chatterjee,
Mr. P. Mukherjee,

... for the defacto complainant.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that there was a love relationship between him and the victim girl. They eloped together. Thereafter, the girl's family lodged this false complaint under social pressure. He is in custody for almost seven months. Trial has not started. There are 17 witnesses. There is no possibility of early conclusion of the trial. He prays for bail.

2. Learned Advocate for the State opposes the prayer for bail. Learned Advocate for the defacto complainant leaves the matter to the discretion of the Court.

3. On an overall assessment of the facts and circumstances of the case, since it is admitted by the defacto complainant that there was an amorous relationship between the petitioner and the

victim girl and the victim girl ran away with the petitioner on her own volition, we are inclined to enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely, **Abhijit Mal @ Abhijeet Mal**, 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 the POCSO Act, Rampurhat, Birbhum 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. 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.

5. 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.

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

7. 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.)