

21. 04.12.2024  
Court  
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3286 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 **Balagarh** Police Station Case No. **484/2023** dated **09.12.2023** under Sections **376AB/506** of the Indian Penal Code, 1860 read with Section **6(I)** of the POCSO Act, 2012.

And

In the matter of: - **Mohan Singh**

...petitioner.

Mr. Sudip Ghosh Chowdhury  
Ms. Shreyeta Mitra

...for the petitioner.

Mr. Subrato Roy  
Mr. Soumya Basu Roy Chowdhury

...for State.

Dictated by Arijit Banerjee, J.

1. Read order dated November 12, 2024, recorded by a co-ordinate Bench.
2. Fresh notice has been issued to the victim. Copy of the notice be kept with the records. Nobody appears for the victim.
3. The DNA report has been submitted by the State. Copy of the DNA report be also kept with the records. The report excludes the petitioner as the biological father of the foetus.
4. In view of the aforesaid and considering that the petitioner is in custody for more than 11 months and only one out of 34 charge-sheet named witnesses has been examined, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Mohan Singh** 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, Exclusive POCSO Court, Hooghly, 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.
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) 3286 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**