

26.11.2024
Item no. 44.
Court No.29.
AB
(Allowed)

CRM (DB) 3387 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Raiganj Police Station Case No.619 of 2024 Dated 24.06.2024 under Sections 363/365/506/34 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Panchanan Barman Petitioner.

Mr. Amit Roy for the Petitioner.

Mr. Ranadeb Sengupta,
Ms. Sanjida Sultana for the State.

Dictated by Arijit Banerjee, J.

1. Service Report filed by the State, be kept with the records. In spite of service, nobody appears for the defacto complainant.
2. The petitioner says that he has been falsely implicated. There was an amorous relationship between him and the victim girl. At the time of the alleged incident, the petitioner was 19 years of age. The victim girl was about 17 years and 11 months. He is in custody for 176 days. Investigation is complete. His further custodial detention is not necessary.
3. Opposing the prayer for bail, learned State Advocate draws our attention to the statement of the victim girl recorded under Section 164 Cr.P.C. She does talk of a

relationship with the petitioner. However, it appears that such relationship turned assiduous and thereafter this complaint was lodged.

4. We also note that the victim girl refused medical examination.
5. On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, since investigation is complete, we are of the view that the petitioner need not be detained in judicial custody any further.
6. Accordingly, we direct that the petitioner, namely, **PANCHANAN BARMAN** 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 at Raiganj, Uttar Dinajpur, 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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)