

46.
19-12-2024
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3519 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 Nadanghat Police Station Case No.251 of 2024 dated 16-04-2024 under Sections 363/365 of the Indian Penal Code read with Section 9 of the Prohibition of Child Marriage Act and Section 4 of the Protection of Children from Sexual Offences Act.

- A n d -

**In the matter of : Aditya Hazra alias Basudeb Bag alias
Hazra
.... Petitioner.**

Mr. Atanu Biswas,
Mr. Mrinal Saha
... For the Petitioner.

Mr. Suman De,
Ms. Pinky Sarkar
... For the State.

Dictated by Arijit Banerjee, J.

1. Affidavit-of-Service filed by the petitioner is taken on record. In spite of service, none appears on behalf of the victim/defacto complainant.

2. The petitioner says that the victim's family had arranged the marriage of the victim girl with an aged person. Therefore, the victim, who knew the petitioner from before and who had a relationship with the petitioner, voluntarily ran away with the petitioner. They have got married. The victim is carrying the petitioner's child. He has been falsely implicated by the victim's family. He is in custody for 169

days. Investigation is complete. His further custodial detention is unnecessary.

3. Learned State advocate, while opposing the prayer, draws our attention to the material in the Case Diary. We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. She fully corroborates the stand of the petitioner.

4. In view of the aforesaid, there is no reason to further detain the petitioner in custody.

5. Accordingly, we direct that the petitioner, namely, **Aditya Hazra alias Basudeb Bag alias Hazra**, 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, POCSO Act, Kalna, Purba Bardhaman. The petitioner shall appear before the learned 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. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of said police station once in a week, until further orders.

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

7. The application for bail is, thus, **allowed**.

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

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)