

03.12.2024
SL No.36
srm/Mujahid
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (DB) 619 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **13.11.2024** in connection with **Maynaguri** P.S. Case No. **162/2024** dated **27.04.2024** under Sections 363/365 of the Indian Penal Code adding Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Subodh Sharma @ Rajesh**

....Petitioner

Mr. Anirban Banerjee

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

...for the State

Affidavit-of-service is taken on record. Service has been effected upon the de facto complainant. Despite service, none appears on behalf of the de facto complainant.

The petitioner prays for bail on the ground of prolonged detention and on further ground that he has been falsely implicated in the case. The victim declined to undergo medical examination.

Learned Advocate for the State hands over the case diary and opposes the prayer for bail.

We have considered the materials on record and also the statement of the victim recorded under Section 164, Cr.P.C. corresponding to Section 183, B.N.S.S.

The petitioner is in custody for seven months.

Considering the materials in the case diary and mode and manner in which the offence was allegedly committed, we are inclined to release the petitioner on bail. The prayer for bail is allowed. The investigation is complete.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of equal amount each, to the satisfaction of the learned Special Court under POCSO Act, Jalpaiguri. The petitioner will attend the learned trial court on the dates fixed. The petitioner shall not leave the territorial jurisdiction of the trial court. The petitioner shall not enter into the jurisdiction of the Maynaguri police station and he will furnish his present address to the local police station where he will be henceforth residing. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the learned trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)