

12.02.2025
Item no. 58.
Court No.29.
AB
(Allowed)

CRM (DB) 172 of 2025

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 Nabadwip Police Station Case No.497 of 2024 Dated 25.07.2024 under Section 64 of the B. N. S. 2023 read with Section 6 of the POCSO Act

And

In the matter of : Rakesh Sk. @ Reju Sk. @ Riju Sk.

.....Petitioner.

Mr. Sumanta Das for the Petitioner.

Mr. Binay Kr. Panda,
Ms. Sonali Bhar for the State.

Ms. Suman Biswas for the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. Affidavit of Service filed in Court today, be kept with the records.
2. The petitioner says that there was an amorous relationship between him and the victim girl. The petitioner is 18 years old and the victim girl is 14 years old. This false complaint has been lodged at the instance of the victim girl's family. Investigation is complete. The petitioner is in custody for 140 days. He prays for bail.
3. Opposing the prayer, learned State Advocate draws our attention to the victim girl's statement recorded under Section 183 B.N.S.S. 2023. The medical report prima facie does not support the prosecution case.

4. Learned Advocate for the defacto complainant says, on instructions, that she is not opposing the prayer for bail.
5. On an overall assessment of the quality of the material on record including the medical report, we are of the view that further custodial detention of the petitioner is not necessary.
6. Accordingly, we direct that the petitioner, namely **RAKESH SK. @ REJU SK. @ RIJU SK.** 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 Krishnanagar, Nadia, 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.)