

17.02.2025
Item no. 21.
Court No.29.
AB
(Allowed)

CRM (DB) 120 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 Malda Police Station Case No.566 of 2024 Dated 09.08.2024 under Section 137(2), 140(3), 127(2) of the B. N. S. 2023 read with Section 6 of the POCSO Act

And

In the matter of : Hiran Sannyal

.....Petitioner.

Mr. Siddhartha Sarkarfor the Petitioner.

Ms. Sukanya Bhattacharya
Ms. Srilekha Chatterjeefor the State.

Dictated by Arijit Banerjee, J.

1. Affidavit of Service filed in Court today, be kept with the records. In spite of receipt of notice, nobody appears for the defacto complainant/victim girl.
2. The petitioner says that there was a relationship between him and the victim girl. The petitioner is about 22 years old. The victim girl was 16 years old at the time of the alleged incident. Investigation is complete. His further custodial detention is not necessary.
3. Opposing the prayer for bail, learned Advocate for the State draws our attention to the material in the case diary including the statement of the victim girl recorded under Section 183 B.N.S.S. 2023. Although the victim girl says that she was induced by the petitioner to go to the petitioner's house where she was ravished by the

petitioner, it appears that initially, the victim girl refused to undergo medical examination. This was on August 9, 2024. Subsequently, on September 21, 2024, she underwent medical examination. The medical report prima facie does not support the prosecution case.

4. On an overall assessment of the facts and circumstances of the case and considering that investigation is complete and date has been fixed for recording of evidence, we are of the view that further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely **HIRAN SANNYAL** 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 Malda, and on further conditions that he shall not enter the District of Malda except for attending the Court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the Malda Police Station and shall meet the Officer in Charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.
6. 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.

7. 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.
8. The application for bail is, accordingly, allowed.
9. 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.)