

20.01.2025

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jb.

jdt.

Allowed

C.R.M. (SB) 09 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Mohanpur Police Station Case No. 189 of 2024 dated 04.11.2024 under Section 8 of the POCSO Act.

And

In Re : **Amal Karmakar**

... Petitioner.

Md. Bani Israil
Sayed Md. Sayud

... For the Petitioner.

Mr. Sandip Chakraborty
Mr. Abinaba Mukherjee

... For the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the private opposite party despite service.

Learned counsel for the petitioner submits that the complaint is a result of a dispute between the wives of the petitioner and the private opposite party respectively. The petitioner is in custody for about 77 days. Charge-sheet has been submitted. His further detention is not required.

In producing the case diary learned counsel for the State refers to the statement of the victim and the complainant recorded under Section 164 of the Code of Criminal Procedure.

It appears that the petitioner is in custody for about 77 days. Charge-sheet has been submitted. The victim refused to be medically examined.

Upon consideration of the material available in the case diary as well as the period of detention of the petitioner, this Court is of the view that further detention of the petitioner is not required for the purpose of custodial interrogation and the petitioner may be released on bail. Accordingly, the prayer for bail is allowed.

The petitioner namely Amal Karmakar be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge, (POCSO Act), Barrackpore subject to condition that he shall not enter the jurisdiction of Mohanpur Police Station until further orders and shall furnish the present address where he shall reside before the learned trial Court, the investigating officer, and the officer-in-charge of the concerned police station under which he shall presently reside. The petitioner shall appear before the learned trial Court on every date of hearing fixed before him and shall not tamper with the evidence and intimidate the witnesses in any manner whatsoever.

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

The application for bail, being CRM (SB) 09 of 2025, is, thus, disposed of.

Case Diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)