

13.03.2025
Item no.16.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 297 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Baishnabnagar Police Station Case No. 787 of 2022** dated **03.09.2022** under **Sections 363/365** of the Indian Penal Code & **Section 6** of the Protection of Children from Sexual Offences Act (POCSO), 2012 and **Section 9** of the Prohibition of Child Marriage Act, 2006.

And

In the matter of : Prasenjit Ghosh @ Prosenjit Ghosh.
.....**Petitioner.**

Mr. Tapodip Gupta,for the Petitioner.

Mr. Avishek Sinha,
Ms. Rituparna Saha,for the State

Dictated by Arijit Banerjee, J.

1. We have seen the deposition of the victim girl. We do not want to comment on the merits of the case. However, there appears to have been some kind of a relationship between the petitioner and the victim girl at some point of time.
2. The examination of the victim girl and her mother is complete. In other words, the vulnerable witnesses have been examined.
3. We also see that the victim girl refused medical examination.
4. The petitioner is in custody for over a year.
5. On an overall assessment of the facts and circumstances of the case and the material-on-record, we are of the view that further custodial detention of the petitioner is not necessary.
6. Accordingly, we direct that the petitioner, namely, **Prasenjit Ghosh @ Prosenjit Ghosh** 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 POCSO Act), Malda and on further condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023 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.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)