

CRM (DB) 322 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Jangipara Police Station** Case No. **497 of 2024** dated **20.10.2024** under Sections **126(2)/115(2)/76/109/352** of the BNS and Sections 8 of the POCSO Act.

- A n d -

In the matter of : Hemanta Malik @ Mallik

.... Petitioner.

Mr. Shibaji Kr. Das,
Mr. D. Sarkar,

... For the Petitioner.

Mr. Rudradipta Nandi,
Ms. S. Dutta,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. The petitioner claims that he has been falsely implicated in this case. He has been languishing in judicial custody for about 114 days. Investigation is complete. There is no need for his further custodial detention.
2. From the affidavit of service filed in court today, we find that the defacto complainant/victim girl has received notice of this bail application. However, nobody represents the victim girl.
3. Learned State Advocate opposes the bail prayer. However, he has drawn our attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.
4. We have considered the materials on record including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. Investigation is complete. Hence, we are inclined to enlarge the petitioner on bail but on stringent conditions.
5. Accordingly, we direct that the petitioner, namely, **Hemanta Malik @ Mallik**, 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 Special Judge under the POCSO Act, Serampore, Hooghly subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Jangipara police station and shall meet the O.C of the concerned police station, where he will reside once every week until further orders. The petitioner shall furnish his current address to the I.O. of the concerned police station as well as to the learned trial Court.

6. 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.

7. The application for bail is, accordingly, allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)