

CRM (DB) 469 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 **Chakdaha Police Station** Case No. **1220 of 2024** dated **28.10.2024** under Sections **126(2)/75/78/123/351(3)/103(1)/3(5)** of the BNS and Sections 8/12 of the POCSO Act.

- A n d -

In the matter of : XXX

.... Petitioner.

Mrs. Minoti Gomes,
Ms. Shanta Sarkar,

... For the Petitioner.

Mr. Iqbal Kabir,
Ms. Diksha Ghosh,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Service report filed by the State be kept with the records.
2. In spite of service none appears for the defacto complainant.
3. The petitioner says that there was an affair between him and the victim girl who was about 17 years of age at the time of the incident. The victim girl insisted on the petitioner immediately marrying her. He told her that she should wait till she attains majority as otherwise the marriage would be contrary to law and he would be in trouble. This gave rise to the dispute and the victim girl consumed poison. She succumbed to the effects of poison. The petitioner prays for bail. He is in custody for 136 days. Investigation is complete. Charge sheet has been submitted.
4. Opposing the bail prayer, learned State Advocate draws our attention to a statement of the victim girl which was recorded before the doctor prior to her death. She more or less corroborates what the petitioner says. There appears to have been some difference between the petitioner and the girl which prompted the

victim girl to consume poison. That there was a relationship between the petitioner and the victim is fairly clear from the victim girl's statement.

5. We see that investigation is complete. No useful purpose will be served by keeping the petitioner, who is about 22 years old, in custody any further.

6. On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged crime, we are inclined to enlarge the petitioner on bail.

7. Accordingly, we direct that the petitioner, namely, **XXX**, 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, Kalyani, Nadia subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further conditions that the petitioner while on bail shall not leave the jurisdiction of the concerned Police Station and shall meet the I.C./O.C. of the concerned Police Station once in a fortnight until further orders.

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.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)