

65. 17.02.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 395 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Habra** Police Station Case No. **1151/2022** dated **11.12.2022** under Sections **363/365/376(3)** of the Indian Penal Code, 1860, read with Section 6 of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act.

And

In the matter of: - **KARTICK HALDER**

...petitioner.

Mr. Debasis Kar
Mr. Husen Mustafi
Mr. Arka Tilak Bhadra

...for the petitioner.

Mr. Sandip Chakraborty
Ms. Mamata Jana

...for the State.

Dictated by Arijit Banerjee, J.

1. Affidavit of service filed in Court today be kept with the records.

We see that the *de facto* complainant/victim has received notice of this bail application, however, nobody appears for them.
2. The petitioner says that he has been falsely implicated in this case by the family of the victim girl. There was a strong love affair between him and the victim girl. They reside in the same locality. He is in custody for two years and two months.
3. Learned Advocate for the petitioner draws our attention to the deposition of the victim girl.
4. While opposing the prayer for bail, learned State Advocate tells us that the victim girl refused medical examination. However,

there are other incriminating material on record against the petitioner.

5. We have considered the material on record. The victim girl indeed substantially exonerated the petitioner. She also refused medical examination. The petitioner is in custody for quite some time. An early conclusion of the trial looks highly unlikely.
6. In the above facts and circumstances of the case, we are of the view that further custodial detention of the petitioner is not necessary. Hence, we allow the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner, namely, **KARTICK HALDER**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) 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), Barasat, North 24-Parganas, subject to 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, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
8. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
9. The application for bail being CRM (DB) 395 of 2025 is accordingly disposed of.

10. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)