

37. 10.03.2025  
Court  
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 470 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Kushmandi** Police Station Case No. **134/2024** dated **15.7.2024** under Sections **363/365/323/34** of the Indian Penal Code read with Section 6 of POCSO Act, 2012. Special Case No.33/2024.

And

In the matter of: - **JOYDEV DEBSHARMA @ JAYDEB DEBSHARMA**

...petitioner.

Mr. Mazhar Hossain Chowdhury

...for the petitioner.

Mr. Sandip Chakraborty

Ms. Kanchan Roy

...for the State.

Mr. Golam Mastafa

Mr. Kazi Asif Iqbal

...for the *de facto* complainant.

**Dictated by Prasenjit Biswas, J.**

1. Affidavit of service filed on behalf of the petitioner be kept with the record.
2. Pursuant to service, the *de facto* complainant is represented through her learned lawyer.
3. Petitioner says that he is in custody for seven months. All the contentions as made in the written complaint are false and fabricated one. He has been falsely implicated in the instant case and is totally innocent. Investigation process is over. Charge has not yet been framed by the Trial Court. So, no useful purpose will be served by detaining this accused petitioner behind the bar for sake of custodial interrogation.

4. Learned Advocate for the State raises objection by submitting that there are sufficient incriminating materials gathered in the case diary by the Investigating Agency which show about *prima facie* involvement of the accused petitioner with the alleged offence. Attention of this Court is drawn to the statement of the witness recorded under Section 164 of the Criminal Procedure Code, 1973 (Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023). Victim girl had denied to undergo medical examination.
5. Perused the materials on record. We have gone through all the documents as collected by the investigating agency during course of investigation. Investigation process has already been completed by submitting charge sheet by the prosecuting agency. It is alleged that the minor was detained at the residence of the principal accused and was allegedly raped and after that she was recovered by her parents. It is contended that the minor had come to the residence of the principal accused out of her own volition. So, possibility of false implication of this petitioner with the alleged crime cannot be ruled out at this stage. Investigation is complete. So, there is no need for further detention of this accused petitioner behind the bar for sake of custodial interrogation. Under such circumstances, we are inclined to enlarge the accused petitioner on bail.
6. Accordingly, we direct that the petitioner, namely, **JOYDEV DEBSHARMA @ JAYDEB DEBSHARMA** 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, Gangarampur at Buniadpur, Dakshin Dinajpur, 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 and on further condition that the petitioner, while on bail, shall stay outside the territorial jurisdiction of Kushmandi Police Station except for the purpose of attending Court proceedings and shall furnish his present address to the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station as well as the learned Trial Court and shall report to the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station, within whose jurisdiction he shall be presently residing, once in a week, until further orders.

7. 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.
8. The application for bail being CRM (DB) 470 of 2025 is accordingly disposed of.
9. 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.)**

**(Prasenjit Biswas, J.)**