

20.03.2025
Item no. 31.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 540 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 **Berhampore Police Station Case No. 1195 of 2024** dated **17.08.2024** under **Sections 64(2)(f)/64(2)(m)/351(3)/108/3(5)** of Bharatiya Nyaya Sanhita 2023, read with **Section 6** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

In the matter of : Dayamay Das @ Chotu @ Chhot.

...Petitioner.

Mr. Md. Sabir Ahamed,
Mr. Ali Ahasan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. J. Modak, ...for the Petitioner.

Md. Adil Badr,
Ms. Pushpita Saha, ...for the State.

Mr. Juin Dutta Chakraborty,
Mr. Bidan Modak,
Ms. Arpita Kundu, ...for the de facto complainant.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner has submitted that the petitioner is in custody for about 210 days. Investigation is complete. There is no cogent material for further detention of the petitioner in judicial custody. The petitioner has been falsely implicated in this case.
2. Learned advocate for the de facto complainant has opposed the prayer for bail.
3. Learned advocate for the State has also opposed the bail prayer. According to him, as per prosecution report, the offences have been committed at two places at the instance of the present

petitioner. However, rape upon the victim was committed at the residence of the accused and, subsequently, the victim committed suicide at her residence being instigated by the accused. However, he has fairly submitted that investigation is complete.

4. We have considered the materials-on-record. We find that investigation is complete. All the material evidences have already been collected by the concerned Investigating Officer. There is no need for further detention of the present petitioner.
5. Accordingly, we direct that the petitioner, namely, **Dayamay Das @ Chotu @ Chhot** 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), Murshidabad at Berhampore subject to the condition that the petitioner shall remain within the jurisdiction of the concerned police station except for the purpose of attending Court proceedings and shall meet the O.C/I.C. of the concerned police station once in a fortnight, until further orders.
6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)