

36. 13.03.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 572 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, arising out of **Balurghat** Police Station Case No. 1028/2024 dated 30.12.2024 under Section **318(2)/64/351(2)** of BNS, 2023, read with Sections 6 of POCSO Act, 2012. POCSO Case No. 01/2025.
And

In the matter of: - **AKASH ROY**

Ms. Munmun Datta ...petitioner.
Mr. Sandip Chakraborty ...for the petitioner.
Mr. Arup Sarkar
Ms. Busra Khatun ...for State.
...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. Memo of evidence filed by the State be kept with the records.
2. The petitioner says that there was an affair between him (19 years old) and the victim girl (17 years old). This false complaint has been lodged by the victim girl’s family since they did not approve of the relationship between the petitioner and the victim girl. He is in custody for 71 days. Investigation is almost complete.
3. Learned State Counsel draws our attention to the deposition of the victim girl recorded under Section 164 of the Criminal Procedure Code, 1973 (Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023). She *prima facie* supports the petitioner’s stand. The medical report does not reveal anything.

Learned Advocate for the *de facto* complainant/victim girl says that she has instruction not to oppose this bail application.

4. In view of the aforesaid, the petitioner's prayer for bail is allowed.
5. Accordingly, we direct that the petitioner, namely, **AKASH ROY** 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-cum-ADJ 2nd Court, Balurghat, 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.
6. 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.
7. The application for bail being CRM (DB) 572 of 2025 is accordingly disposed of.
8. 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.)

(Om Narayan Rai, J.)