

20.03.2025
Item no. 32.
Court No.29.
AB
(Allowed)

CRM (DB) 549 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gangarampur Police Station Case No.493 of 2023 Dated 25.10.2023 under Sections 363/365/34 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Manoranjan Roy Petitioner.

Mr. Koushik Choudhury.....for the Petitioner.

Mr. Suman De,
Ms. Purnima Ghoshfor the State.

Dictated by Apurba Sinha Ray, J.

1. Service report filed by the State, be kept with the records. Nobody appears for the defacto complainant/victim in spite of service.
2. Learned Advocate for the petitioner has submitted that the petitioner is in custody for one year and two months. He further submits that on the last two occasions, the defacto complainant being P.W.1 did not appear before the learned Trial Court for his evidence for which the learned Trial Court was compelled to issue witness warrant against the defacto complainant. Learned Counsel has also drawn our attention to the fact that the victim girl refused to undergo any medical examination. There are 20 charge sheet named

witnesses and as such, there is no chance of an early conclusion of the trial.

3. Learned State Advocate, while opposing the bail prayer, draws our attention to the statement of the victim girl recorded under Section 183 B.N.S.S. 2023.
4. We have considered the materials on record and CD. We find that the victim girl did not state anything about any sexual assault in her statement recorded under Section 183 B.N.S.S. 2023. It further appears that she refused to undergo any medical examination. The defacto complainant being P.W.1 did not appear before the learned Trial Court in spite of receipt of summons.
5. Considering all the aspects and also the period of detention of the present petitioner, we are inclined to allow his prayer for bail.
6. Accordingly, we direct that the petitioner, namely **MANORANJAN ROY** 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 the POCSO Act at Gangarampur, Dakshin Dinajpur, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
7. 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 and/or commit any cognizable offence in any manner whatsoever.

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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)