

50.
25-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 727 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Kotwali Police Station Case No.1312 of 2024 dated 26-11-2024 under Sections 64/316(2)/318(2)/318(4)/351(2) of the Bharatiya Nyaya Sanhita and Section 6 of the Protectin of Children from Sexual Offences Act.

- A n d -

In the matter of : Pankaj Pandey

.... Petitioner.

Ms. Karabi Roy

... For the Petitioner.

Mr. Ranabir Roy Chowdhury,
Ms. Nandini Chatterjee

... For the State.

Mr. Sumanta Das,
Mr. Avilash Tripathi

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. There was a long standing relationship between him and the victim lady since the year 2013. After 11 years, when the petitioner refused to accede to the victim lady's demand to marry her, this false complaint has been lodged. There is a delay of 11 years in lodging the complaint. Investigation is complete. He is in custody for 117 days. He prays for bail.

2. Opposing the prayer for bail, learned State advocate draws our attention to the material in the Case Diary including the statement of the victim lady.

3. Learned advocate for the defacto complainant also vehemently opposes the prayer for bail. He says that on various occasions, the petitioner took money from the victim lady meting out promise to marry her. With the hope that the petitioner will marry her, the victim lady kept on advancing money to him.

4. This is not a debt collecting court. If the victim lady has any monetary claim against the petitioner, she will be at liberty to pursue her remedy in accordance with law before the appropriate forum.

5. However, we find that there is no such material on record that would justify further custodial detention of the petitioner given that investigation is complete and charge sheet has been filed. The prayer of the petitioner for bail is, thus, allowed.

6. Accordingly, we direct that the petitioner, namely, **Pankaj Pandey**, 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 learned Judge, Special Court under POCSO Act, Krishnagar, Nadia. The petitioner shall appear before the learned 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 and shall not commit any cognizable offence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Kotwali Police Station except for the purpose of attending the court proceedings and shall appear before the Officer-in-Charge/Inspector-in-Charge under whose jurisdiction he shall be residing while on bail, once in a week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, Kotwali Police Station and the

jurisdictional police station where he shall be residing while on bail, his current local address.

7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

8. The application for bail is, thus, **allowed**.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)