

58. 25.03.2025
Court
No.29 (Pritam)
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 746 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 **Kaliachak** Police Station Case No.**01/2024** dated **01.01.2024** under Sections 363/365 of the IPC, 1860 & Section 6 of the POCSO Act, 2012.

And

In the matter of: - **Abu Hasan @ Saheb @ Abul Hasan.**
...petitioner.

Ms. Reshmi Khatun
...for the petitioner.

Mr. Md. Wasim Akram
...for the *de-facto*.

Mr. Baisali Basu,
Mr. Somya Basu Roy Chowdhury
...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that charge-sheet has been filed on completion of investigation. He has been falsely implicated. He should be enlarged on bail.
2. Learned advocate for the de-facto complainant, on instructions, says that he is not opposing the bail prayer. Talks of marriage are going on between the families of the petitioner and the victim lady.
3. Learned State advocate, while opposing the prayer for bail, draws our attention of to the material in the case diary.

4. In view of the fact that the *de-facto* complainant/victim has no objection to the petitioner's prayer for bail and seeing that there is no material as would justify further custodial detention of the petitioner, we are inclined to grant bail to the petitioner.
5. Accordingly, we **allow** the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Abu Hasan @ Saheb @ Abul Hasan.** 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 *Additional District Judge, Special Court, 2nd Court, Malda.* 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
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 being CRM (DB) 746 of 2025 is, thus, disposed of.
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.)