

25.04.2025
Item No.06.
Daily List
Court No.39
(Allowed)
Mithun

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 765 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in C.Special Case No.01/2025 (C.Spl 01/2025) arising out of Kandi Police Station Case No.573/2024 dated 11.12.2024 under Sections 137(2)/140(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and adding Sections 96/87/142 of the Bharatiya Nyaya Sanhita, 2023 and Sections 9/10/11 of the Prohibition of Child Marriage Act and Section 6 of the Protection of Children from Sexual Offence Act.

-And-

**In the matter of : Rakesh Rajbanshi @ Riki Rajbanshi @
Rakesh**

... Petitioner

Mr. Niladri Sekhar Ghosh,
Mr. Tapadipto Gupta,
Ms. Sompurna Chatterjee

...for the petitioner

Mr. Joydeep Biswas,
Ms. Sreetama Das

... ...For the State

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs and the victim out of her own accord left with the petitioner and they married each other. There are no such incriminating materials against the petitioner who is languishing in custody for 117 days. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that there are serious allegations against the

petitioner and after completion of investigation, charge sheet has been submitted and thereafter supplementary charge has also been submitted under the Prohibition of Child Marriage Act. He seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

It is found from the statement of the victim girl that there are no such allegations against the petitioner. No notable injury was found in the medical examination report. Upon completion of investigation, charge-sheet has been submitted. Petitioner is in custody for 117 days. Considering the above, this Court is inclined to enlarge the petitioner on bail on stringent conditions.

Accordingly, the petitioner, namely, **Rakesh Rajbanshi @ Riki Rajbanshi @ Rakesh** 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 a local, to the satisfaction of the learned Judge, Special Court under POCSO Act, Kandi, Murshidabad subject to condition that the petitioner shall report to the Inspector-in-Charge, Kandi Police Station once in a fortnight until further orders. The petitioner shall not enter the jurisdiction of the Kandi Police Station except for the purpose of attending the Court proceedings and reporting to the Inspector-in-Charge of concerned Police Station. The petitioner shall furnish the address where he shall presently reside before the learned trial court, the investigating officer and the Officer-in-Charge of the police station under whose jurisdiction he shall presently reside.

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.

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.

Accordingly, **CRM (DB) 765 of 2025** is disposed of.

(Bivas Pattanayak, J.)