

31. 28.03.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 860 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Halisahar** Police Station Case No. **283/2024** dated **23.10.2024** under Sections **137(2)/140(03)** of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of POCSO Act, 2012. Now re-numbered as POCSO 268/2024.

And

In the matter of: - **RIAJUL SHAIKH @ RIAJUL SEIKH**

...petitioner.

Mr. Debasis Kar
Mr. Arka Tilak Bhadra

...for the petitioner.

Mr. Joydeep Biswas
Ms. Sonali Bhar

...for the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State in Court today be kept with the records. In spite of service, nobody appears for the *de facto* complainant/victim.
2. The petitioner says that he has been falsely implicated in this case. The victim girl went away with him on her own volition. Investigation is complete. Charge-sheet has been filed. His further custodial detention is unnecessary. He prays for bail.
3. While opposing the prayer for bail, learned State Advocate draws our attention to the statement of the victim girl recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The statement supports the submission made on behalf of the petitioner. We further see that the victim girl refused medical examination.

4. In view of the aforesaid and since investigation is complete, we are of the view that the petitioner may be granted bail.
5. Accordingly, we direct that the petitioner, namely, **RIAJUL SHAIKH @ RIAJUL SEIKH**, 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), Barrackpore, North 24-Parganas, 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) 860 of 2025 is accordingly allowed and 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.)

(Apurba Sinha Ray, J.)