

17.04.2025
Sl No.6
Ct. No.39
ss
(Allowed)

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

CRM (DB) 888 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kultali Police Station Case No.518/21 dated 17.10.2021 under Sections 363/365/366/376(3) of the Indian Penal Code and Section 4 of POCSO Act, 2012.

And

In Re : Anup Bag

.....Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Sekhar Saha

.....for the Petitioner

Ms. Sonali Das
Ms. Debolina Das

.....for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

It is found that service has been effected upon the *de facto* complainant/victim.

Learned Advocate for the petitioner submits that the petitioner is languishing in custody for 3 ½ years. In her deposition in Court the victim has not implicated the petitioner. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer and submits that as per statement of the victim recorded under Section 164 of Cr.P.C. there are serious allegations against the petitioner. She seeks for dismissal of the application.

Perused the case diary and the materials on record.

Although the victim implicates the petitioner in her statement before the Magistrate but the deposition of the victim made in Court is otherwise. Further, the petitioner is in custody for last 3½ years. The examination of the victim has been concluded.

In view of the above, this Court is inclined to enlarge the petitioner on bail.

It is made clear that the observation made hereinabove is only for the disposal of this instant bail application.

Accordingly, the petitioner, namely, **Anup Bag**, 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, Baruipur, South 24-Parganas. The petitioner shall appear before the trial court on each and every day 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. The petitioner shall not enter within the jurisdiction of Kultali Police Station except for the purpose of attending court proceedings until further orders.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail in accordance with law without further reference to this Court.

Accordingly, the application for bail being ***CRM (DB) 888 of 2025*** is disposed of.

(Bivas Pattanayak, J.)