

13.05.2025  
Item No.14(DL)  
Court No.39  
srm  
(Allowed)

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

**C.R.M.(DB) 1001 of 2025**

In re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 (corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023) in connection with POCSO Case No.06 of 2024 arising out of Mohanpur Police Station Case No.263 of 2023 dated 24.11.2023 under Sections 363/365/34 of the Indian Penal Code adding Section 376(2)(3) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, pending before learned Additional Sessions Judge, 2<sup>nd</sup> Court, Paschim Medinipur, Special Court under POCSO Act;

-And-

**In the matter of : Buddhadeb @ Buddhadeb Giri**

... Petitioner

Mr. Soumyajit Das Mahapatra

...for the Petitioner.

Mr. Rudradipta Nandy, ld. APP

Ms. Nahid Ahmed

... ...for the State.

Mr. Aditya Chakraborty

...for the *de facto* complainant.

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

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs. Previously, the victim left her house out of her own volition with the petitioner and they were married. An FIR was registered being Mohanpur Police Station Case No.29 of 2023 dated 1<sup>st</sup> February, 2023. The petitioner was granted bail in the said case. Subsequent thereto, the present case was initiated on the selfsame cause of action. The petitioner is arrested in this case on 17<sup>th</sup> February, 2025 and since then he

is in custody. He also indicates that at the time of initiation of the second FIR the petitioner was in custody in relation to the first FIR. However, he was not shown arrest in the subsequent FIR. With regard to the merit of the application, he submits that there are no incriminating materials against the petitioner and the victim has left her house out of her own accord. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim was forcibly taken away to Hyderabad wherefrom she was recovered after four months. The statement of the neighbour under Section 161 of the Cr.P.C. implicates the petitioner. He seeks for dismissal of the bail application.

The bail application is also opposed by the learned Advocate for the *de facto* complainant adopting the submission of the learned Advocate for the State. He also seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The victim in her statement before the Magistrate has stated that she had love affairs with the petitioner and she has eloped with the petitioner. There are no such allegations of any forcible sexual assault upon her by the petitioner. Charge sheet has already been submitted after completion of the investigation. The petitioner is in custody for 79 days. In view of the above, I am inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely, **Buddhadeb @ Budhadeb Giri**, 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 the POCSO Act-cum-ADJ, 2<sup>nd</sup> Court, Paschim Medinipur 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 meet the Officer-in-Charge of the Mohanpur Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Mohanpur Police Station except for the purpose of attending court proceedings and for reporting to the Officer-in-Charge of the concerned Police Station, until further orders. 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.

In the event the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

Accordingly, the application for bail being **CRM (DB) 1001 of 2025** is disposed of.

**(Bivas Pattanayak, J.)**