

16.05.2025
Court No.39
Item No.07
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (M) 343 of 2025

Ab

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 30.04.2025 in connection with Arambagh Police Station Case No. 540 of 2024 dated 20.09.2024 under Sections 363/366/325/376(2)(n)(3)/506/34 of the Indian Penal Code, 1860, read with Section 4/6(1) of the Protection of Children from Sexual Offences Act, 2012 and Sections 9/10 of the Prohibition of Child Marriage Act and Sections 66/67 of the Information Technology Act;

And

In the matter of : **Santi Rana @ Shanti Rana**
...Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Labani Sikdar,
Mr. Souvik Dey

...For the Petitioner.

Mr. Kunal Ganguly.

...For the State.

Inadvertent typographical error has crept into order dated 7th May 2025 wherein the name of *Mr. Ashok Das* has been mentioned as learned Advocate for the State instead of *Mr. Kunal Ganguly*, learned Advocate.

Let the name of *Mr. Kunal Ganguly*, learned advocate be read in place of *Mr. Ashok Das* in the aforesaid order.

The order dated 7th May 2025 is modified to the above extent. The other portion of the aforesaid order shall remain unaltered.

Service Report filed by the State is taken on record.

Learned Advocate for the petitioner submits that he is the father of the principal accused. There is no such direct allegation

against the petitioner, who is in custody for last eight months. Previously, the bail prayer of the petitioner was rejected in CRM (DB) 4347 of 2024 solely on the ground that at that point of time the mother of the principal accused was absconding. He informs the Court that mother has surrendered before the Court and she has been granted bail by the learned Trial Court. He seeks enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim has been mercilessly tortured by the principal accused. There are also allegations of torture against the present petitioner, who is the father of the principal accused. Considering such aspect, the bail prayer of the petitioner was turned down by this Court in CRM (DB) 4347 of 2024. He seeks for dismissal of the bail application.

Despite service none appears on behalf of the complainant.

Peruse the case diary and materials on record.

The victim in her statement alleges of penetrative sexual assault as well as infliction of cigarette burns on her body for refusing the sexual intercourse by the principal accused. The bail prayer of the petitioner was rejected previously since the mother of the principal accused was absconding and there was possibility of absconding of the petitioner. The mother of the principal accused has surrendered in Court as informed by learned advocate for the petitioner. There are allegations of torture against the petitioner. Be that as it may, the veracity of such allegations may be examined in trial. The petitioner is in custody for eight months and upon completion of investigation,

chargesheet has been filed. Considering the above, I am inclined to enlarge the petitioner on bail.

Accordingly, the petitioner, namely, **Santi Rana @ Shanti Rana**, be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand) each, 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, Arambagh, Hooghly, subject to the condition that the petitioner shall appear before the learned 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 Inspector in-Charge of the concerned Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of the Arambagh Police Station except for the purpose of attending court proceedings and for reporting to the Inspector 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 Inspector 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/her bail in accordance with law without further reference to this Court.

Accordingly, the application for bail being **CRM (M) 343 of 2025** is disposed of.

(Bivas Pattanayak, J.)