

05.06.2025
Item No.25
Court No.6
Susanta/
Aminur
(Allowed)

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

CRM(M) 616 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 POCSO Case no. 95 of 2025 arising out of Khardah Police Station Case No.203 of 2025 dated 26.04.2025 under Sections 351(2)/76 of the Bharatiya Nyaya Sanhita and Section 6/10 of the POCSO Act

-And-

**In the matter of : Akash Sinha Roy @ Akash Singha Roy
@ Akash Chakraborty**

... Petitioner

Mr. Mayukh Mukherjee.,
Mr. Abhijit Singh,
Ms. Sarmistha Basak,
Ms. Samrat Mondal,
Mr. Santu Das,
Mr. Rohit Ghua Thakurata,

...For the petitioner.

Ms. Sujata Das,
Ms. Manasi Roy,

... For the State.

Mr. Khalid Hasan,

.... For the Victim.

Learned Advocate for the petitioner, learned advocate for the State and the learned Advocate for the de facto complainant are present.

Heard learned advocates for the parties.

Perused the materials in the case diary.

Learned advocate for the petitioner submits that his client is a brilliant student and has a bright prospect but he is falsely implicated in the instant case.

Learned advocate draws attention to the Mark-sheets of different examinations of the petitioner.

It is further submitted by the learned advocate that the allegations made against the petitioner does not contain the ingredients of Section 6(c) of the POCSO Act and it can at best be the allegation under Section 7/8 of the said Act.

Learned advocate submits that the petitioner is in custody for a long period and his prayer for bail be considered as medical examination of the victim girl was refused.

Learned advocate for the State objects the grant of bail and refers to the statement of the victim girl and the de facto complainant under Section 164 Cr. P.C.

However, it is submitted that the medical examination of the victim girl was refused.

Learned advocate appearing for the de facto complainant submits that he has no objection if the petitioner is granted bail.

Upon considering the facts of the case from the materials in the case diary and considering the nature of allegations against the petitioner although the allegations are serious, but considering that the petitioner is a student and his period of detention, this Court is of the view that in the interest of justice the petitioner should be released on bail.

Thus, I allow the prayer for bail made by the petitioner.

The petitioner 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 Trial Judge. The petitioner upon released shall meet the Officer-in-Charge of concerned Police Station once in a week, until further orders and 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 territorial jurisdiction of concerned 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 not meet the victim girl and the *de facto* complainant and those who are acquainted with the facts of the case and shall furnish the address where the petitioner 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 their bail in accordance with law without further reference to this Court.

Accordingly, the application for bail is disposed of.

(Biswaroop Chowdhury, J.)