

17. 10.01.2025
Court
No.29 (Pritam)
(Allowed)

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

CRM (DB) 3525 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Hili** Police Station Case No. **86/2024** dated **13.06.2024** under Sections **376DA/307/506/34** of the Indian Penal Code, 1860 and Sections **6(1)** of the **POCSO** Act.

And

In the matter of: - **Dipak Mohanta @ Papai.**

...petitioner.

Mr. Kaushik Choudhury,
Ms. Busra Khatun

...for the petitioner.

Mr. Ashok Das

...for the State.

Dictated by Arijit Banerjee, J.

1. Affidavit of service filed in court today be kept with the records.
In spite of service, nobody appeared for the *de-facto* complainant/victim girl.
2. The petitioner says that he has been falsely implicated by reason of a village dispute. Investigation is complete. His further custodial detention is unnecessary.
3. Opposing the prayer for bail, learned State counsel draws our attention to the victim girl's statement recorded under Section 164 Cr.P.C. The medical examination report does not, *prima facie*, support the victim's statement. We are of the view that

further detention of the petitioner in custody may not be necessary.

4. Accordingly, we **allow** the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Dipak Mohanta @ Papai** 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 learned *Special Judge (POCSO Act)-cum ADJ, 2nd Court*, Balurghat, Dakshin Dinajpur. 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 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 the territorial jurisdiction of *Hili* Police Station except for the purpose of attending court proceedings, until further orders. The petitioner shall report/meet to the Officer-in-Charge/Inspector-in-Charge of *Hili* Police Station once in every week and shall inform the Investigating Officer about his current local address where he will be residing while on bail, until further orders.
6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.

7. The application for bail being CRM (DB) 3525 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)