

07.02.2025  
Item no.22.  
Court No.29.  
S. De  
(Allowed)

**CRM (DB) No. 3619 of 2024**

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 **Harishchandrapur Police Station Case No. 1258 of 2023 dated 12.12.2023** under **Sections 363/365/34 of the Indian Penal Code read with Section 4/17** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

**In the matter of : Sudhir Mandal.**

**.....Petitioner.**

Mr. Mrityunjoy Chatterjee,  
Mr. Imadul Hoque,  
Mr. Debapriya Majumder, .....for the Petitioner.

Mr. Rana Mukherjee, Ld. APP,  
Ms. Sujata Das, .....for the State

**Dictated by Arijit Banerjee, J.**

1. Fresh service on the de facto complainant/victim girl has been effected by the State. Let the service report be kept with the records.
2. In spite of service, nobody appears for the de facto complainant/victim.
3. The petitioner says that he has absolutely no role to play in the alleged offence under Sections 4/17 of the POCSO Act read with Section 313/365/34 IPC. He is the father of the boy who ran away with the victim girl. They had a love affair. The victim girl was once recovered. She recorded her Statement under Section 164 Cr.P.C. (Section 183 of the

Bharatiya Nagarik Suraksha Sanhita, 2023). She again fled away with the same boy. She refused medical examination.

4. Opposing the prayer, learned APP draws our attention to the statement of the victim girl recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. He says that it is correct that the victim girl refused medical examination. He also says that the victim girl was about 17 years of age and the petitioner's son was about 22 years of age. They eloped.
5. On an overall assessment of the facts and circumstances of the case and considering that investigation is complete and also considering that he is in custody for about 6 months, we are of the view that further custodial detention of the petitioner is not necessary.
6. Accordingly, we direct that the petitioner, namely, **Sudhir Mandal** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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), Chanchal, Malda subject to the conditions that the petitioner shall remain within the jurisdiction of Harishchandrapur Police Station and shall meet the Inspector-in-Charge/Officer-in-

Charge of the Harishchandrapur Police Station once in a fortnight, until further orders.

7. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Apurba Sinha Ray, J.)**

**(Arijit Banerjee, J.)**