

13. 20.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3814 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, in connection with **Kotwali** Police Station Case **No.462/2023** dated **14.6.2023** under Sections **363/366A/370/370A/372/373/120B/34** of the Indian Penal Code read with Sections **6/17** of POCSO Act, 2012 and Sections **3/4/5/6/7/9** of Immoral Traffic (Prevention) Act, 1956.

And

In the matter of: - **Koushik Maity**

...petitioner.

Mr. Avik Ghatak
Mr. Amit Ranjan Pati

...for the petitioner.

Mr. Ranadeb Sengupta
Mr. Debanik Das

...for the State.

Ms. Afreen Begum

...for victim lady nos. 1-3.

Mr. Arijit Bhusan Bagchi

...for victim lady no.4.

Ms. Swastika Chowdhury

...for victim lady no.6.

Dictated by Arijit Banerjee, J.

1. Compliance report submitted by the learned Registrar General of this Court be kept with the records.
2. Five out of seven victim girls are represented through learned Lawyer. The other two victim girls are not represented in spite of having received notice of this bail application.
3. The petitioner says that he is in custody for 374 days. He further says that all the seven victim girls have been

examined before the learned Trial Court but none of them supported the prosecution case. He prays for bail.

4. Copies of depositions of the victim girls have been annexed to the bail petition and we have gone through them. We are surprised to see that although the victim girls have not supported the prosecution case, they have not been declared hostile.
5. In view of the fact that the depositions of the victim girls have created a significant dent in the prosecution case and considering the period of detention of the petitioner, we are inclined to allow his prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Koushik Maity**, 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 the learned Special Judge, Additional District Judge, 2nd Court, Paschim Medinipur, subject to condition that 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 Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause,

the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. The application for bail being CRM (DB) 3814 of 2024 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)