

15.01.2025
Item no. 23.
Court No.29.
AB
(Allowed)

CRM (DB) 3815 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jalangi Police Station Case No.244 of 2024 Dated 19.07.2024 under Sections 137(2)/140(3)/64 of the Bharatiya Nyaya Sanhita 2023 read with Section 6/17 of the POCSO Act

And

In the matter of : Rasel Rana

.....Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas
Ms. Poulami Bosefor the Petitioner.

Mr. Joydeep Biswas
Mr. Debarshi Brahmafor the State.

Mr. S. Basu Roychoudhury
.....for the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. He is a married person. There was an affair between him and the victim girl, who was about 17 years of age at the time of the alleged incident. The relationship between them having turned sour, this false complaint was lodged. He is in custody for five months. Investigation is complete. His continued detention in judicial custody is unnecessary.
2. Opposing the prayer for bail, learned Advocates for the State and the defacto complainant draw our attention to the statements of witnesses recorded under Sections

161/164 Cr.P.C. We have seen the deposition of the victim girl recorded under Section 161 Cr.P.C. She mentions about a love relationship with the petitioner. Although in the statement recorded under Section 164 Cr.P.C. the victim girl does not talk about “love”, she admits of a relationship. The medical report, prima facie, does not support the prosecution case.

3. In view of the aforesaid and considering that charge sheet has been filed upon completion of investigation, we are of the view that further custodial detention of the petitioner is not necessary.
4. Accordingly, we direct that the petitioner, namely **RASEL RANA** 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 the POCSO Act at Berhampore, Murshidabad, and on further conditions that he shall not enter the jurisdiction of Jalangi Police Station and shall provide the address where he shall presently reside to the Officer in Charge of the concerned police station and shall meet the Officer in Charge of the concerned police station within whose jurisdiction he shall presently reside once in a fortnight until further orders.
5. 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 and/or commit any cognizable offence in any manner whatsoever.

6. 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.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Ajay Kumar Gupta, J.)