

15. 20.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3839 of 2024

In Re: - An application for bail under 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Ashoknagar** Police Station Case No. **612/2022** dated **05.07.2022** under Section **376(2)(f)** of the Indian Penal Code, 1860. Charge-sheet dated 24.04.2023 under Sections **376(2)(f)(n)/376(3)** of the Indian Penal Code read with Section **6** of POCSO Act, 2012.

And

In the matter of: - **Father of the petitioner**

Mr. Sagar Saha
Mr. Manojit Debnath
Mr. Rhitam Chatterjee

...for the petitioner.

Mr. Bitasok Banerjee
Mr. Atanu Ghosh

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Service report and status report filed by the State be kept with the records. In spite of service nobody appears for the *de facto* complainant/victim.
2. Learned Counsel for the petitioner submits that the petitioner has been languishing in the judicial custody for more than two years and six months. The deposition of the victim girl and the materials on record do not support each other. There is no chance of an early conclusion of the trial. As the investigation is complete and charge-sheet has been filed, the petitioner may be enlarged on bail on any condition that this Court may decide.

3. Learned Counsel for the State raises objection. According to him, there are sufficient incriminating materials against the present petitioner.
4. Having considered the case diary, the medical report as also the depositions of the witnesses and in particular, the mother of the victim and the Doctor, we are inclined to allow the prayer for bail of the present petitioner on certain conditions.
5. Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, North 24-Parganas at Barasat, 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 and on further condition that the petitioner, while on bail, shall not enter the territorial jurisdiction of Ashoknagar Police Station and shall furnish his present address to the Officer-in-Charge of Ashoknagar Police Station as well as to the learned Trial Court and shall also meet the Officer-in-Charge of the concerned Police Station within whose jurisdiction he shall be presently residing, once in every week, until further orders.

6. 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.
7. The application for bail being CRM (DB) 3839 of 2024 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)