

33. 10.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3854 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 **Kandi** Police Station Case **No.338/2024** dated **16.07.2024** under Sections **137(2)/140(3)** of Bharatiya Nyaya Sanhita, 2023 read with Section **6** of the Prohibition of Child Marriage Act.

And

In the matter of: - **Rakesh Kumar Bagdi**

...petitioner.

Mr. Manas Kumar Das

...for the petitioner.

Mr. Sandip Chakraborty

Ms. Chandreyi Dutta

...for the State.

Mr. Md. Hafiz Ali

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. There is an amorous relationship between him and the victim girl. On her own volition, the victim girl ran away with him. He is in custody for 133 days. Charge-sheet has been submitted upon completion of investigation. He prays for bail.
2. While opposing the prayer for bail learned Advocates for the State and the *de facto* complainant/victim, draw our attention to the material in the case diary. *Prima facie* we find from the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973, that

she completely exonerated the petitioner. She says that she had voluntarily left her parental house.

3. In view of the aforesaid, we are inclined to allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Rakesh Kumar Bagdi**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of the learned Judge, Special Court POCSO Act), Kandi, Murshidabad, 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.
5. 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.
6. The application for bail being CRM (DB) 3854 of 2024 is accordingly disposed of.
7. 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)