

47. 10.01.2025
Court
No.29 (Pritam)
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3923 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, arising out of **Hariharpara** Police Station Case No. **39/2023** dated **22.01.2023** under Sections **417/376/506** of the Indian Penal Code, 1860 and Sections **4** of the **POCSO** Act .

And

In the matter of: - **Sagar Sk. @ Masud Hasan Mondal.**
...petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanusree Biswas,
Ms. Poulami Bose
...for the petitioner.
Mr. Md. Adil Badr,
Ms. Snigdha Saha
...for the State.

Dictated by Arijit Banerjee, J.

1. Affidavit-of-Service filed in court today be kept with the records.
In spite of service, nobody appeared for the *de-facto* complainant/victim girl.
2. The petitioner says that he has been falsely implicated. He never sexually assaulted the victim girl. Learned State advocate draws our attention to the deposition of the victim girl. In the evidence of the victim girl recorded by the learned trial court she clearly states that she had a relationship with the petitioner who refused to marry her in spite of having promised to do so. For that reason, the victim girl filed this complaint. She was

taken to the hospital for medical examination but consent was not given for medical examination.

3. Learned Advocate for the State says that this petitioner's conduct has been abominable. He induced the victim girl out of a happy marriage by promising to marry her. Later, after establishing physical relationship with the girl, the petitioner refused to marry her.
4. We have considered the facts and circumstances of the case, including the deposition of the victim girl. There is not a whisper of any sexual assault having been committed by the petitioner on the victim girl. On a, *prima facie*, appraisal of the material and considering that the petitioner is in custody for about one year and eight months and only three out of seventeen witnesses have been examined, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we **allow** the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Sagar Sk. @ Masud Hasan Mondal** 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 learned *Judge, Special (POCSO) Court*, Berhampore, Murshidabad. 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses

and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the territorial jurisdiction of *Berhampore* Police Station except for the purpose of attending court proceedings, until further orders. The petitioner shall report/meet to the Officer-in-Charge/Inspector-in-Charge of *Berhampore* Police Station once in every week, until further orders. Also, he shall not, in any way, contact the victim girl, during the bail period.

7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
8. The application for bail being CRM (DB) 3923 of 2024 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)