

52. 10.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3933 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 **Baishnabnagar** Police Station Case **No.686/2024** dated **16.07.2024** under Sections **65(1)** of Bharatiya Nyaya Sanhita, 2023 read with Section **6** of POCSO Act, 2012.

And

In the matter of: - **Nabiul Sk.**

...petitioner.

Mr. Sujoy Sarkar
Mr. Musharaf Alam
Ms. Sneha Srivastava

...for the petitioner.

Mr. Sujan Chatterjee

...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 appears for the *de facto* complainant/victim.
2. The petitioner says that there was a love relationship between him and the victim girl. The victim girl's family approached the petitioner's family for getting the two married. The petitioner's family did not agree since the victim girl was a minor. As a rebound, the false complaint has been lodged. The petitioner is in custody for 180 days. He is 19 years of age. Investigation is complete. He prays for bail.
3. While opposing the prayer for bail learned Advocate for the State draws our attention to the statement of the victim girl

recorded under Section 164 of the Code of Criminal Procedure, 1973, as also to the medical report. The victim girl clearly admits of a relationship between her and the petitioner. It appears that being upset by the petitioner's refusal to marry her, the complaint has been lodged. Investigation is complete. Charge is yet to be framed. There are 16 charge-sheet named witnesses. The trial has not begun.

4. In the aforesaid facts and circumstances of the case, on a *prima facie* appreciation of the material on record as also seeing that the trial is not likely to conclude in the foreseeable future, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Nabiul Sk.**, 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 a local, to the satisfaction of the learned Additional District Judge, 2nd Court, Malda, 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 remain within the territorial jurisdiction of English Bazar Police Station, Malda,

excepting for the purpose of attending Court proceedings and shall furnish his present address to the Inspector-in-Charge/Officer-in-Charge of Baishnabnagar Police Station as well as to the learned Trial Court and shall also meet the Inspector-in-Charge/Officer-in-Charge of the jurisdictional Police Station within whose jurisdiction he shall presently reside, 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) 3933 of 2024 is accordingly disposed of.
8. 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.)