

10.01.2025
Item no. 58.
Court No.29.
AB
(Allowed)

CRM (DB) 3944 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 Baranagar Police Station Case No.382 of 2024 Dated 17.09.2024 under Section 6 of the POCSO Act read with Section 9 of the Prohibition of Child Marriage Act 2006

And

In the matter of : XXXXXXXXXPetitioner.

Mr. Siddhartha Sarkarfor the Petitioner.

Mr. S. S. Imam
Ms. Rita Duttafor the State.

Mr. Manas Kumar Dasfor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he and the victim girl are married. They reside together. Five months after their marriage, the complaint was lodged by the victim's father. He is in custody for 105 days. Investigation is complete. He prays for bail.
2. Learned Advocate for the defacto complainant supports the petitioner's submission.
3. Learned Advocate for the State, while opposing the prayer, leaves the matter to the discretion of the Court.
4. In view of the fact that the two families of the petitioner and the victim girl seem to have come to a mutual understanding, and investigation is complete, we see no

necessity of further detaining the petitioner in judicial custody.

5. Accordingly, we direct that the petitioner, namely ~~XXXXXXXX~~ shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties, to the satisfaction of the learned Judge, Special Court under the POCSO Act at Barrackpore, and on further conditions that he shall not leave the jurisdiction of the concerned police station until further orders.
6. 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.
7. 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.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

