

CRM (DB) 4044 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Posta Police Station** Case No. **117 of 2024** dated **12.10.2024** under Sections **69/318(2)/115(2)/351(2)** of the BNS.

- A n d -

In the matter of : Amit Kumar Thakur

.... Petitioner.

Mr. Subhajit Chowdhury,

... For the Petitioner.

Mr. Avishek Sinha,

Mr. Mainak Gupta,

... For the State.

Mr. Safikul Islam,

... for the defacto complainant.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that there was an amorous relationship between him and the victim lady. He is 25 years of age. The victim lady is 27 years old. They had consensual physical relationship. Investigation is complete. Charge sheet has been submitted. He is in custody for 65 days. He prays for bail.

2. Opposing the bail prayer, learned State Advocate and learned Advocate for the defacto complainant draw our attention to the statements of the victim lady recorded under Sections 161 and 164 of the Code of Criminal Procedure. We have seen the FIR lodged by her. There are apparent inconsistencies between the statements recorded by the victim lady under Sections 161 and 164 of the Code of Criminal Procedure as also the contents of the FIR.

3. On an overall assessment of the facts and circumstances of the case and the possible extent of complicity of the petitioner in the alleged crime and seeing that investigation is complete, in our

opinion, further custodial detention of the petitioner is not necessary.

4. Accordingly, we direct that the petitioner, namely, **Amit Kumar Thakur**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the POCSO Act, Kolkata subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned police station and shall meet the officer-in-charge of the concerned police station once in a fortnight until further orders.

5. 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.

6. The application for bail is, accordingly, allowed.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Ajay Kumar Gupta, J.**)

(**Arijit Banerjee, J.**)