

17.02.2025
Item No.105
Court No.26
S.D.
(Bail granted)

CRM (DB) 4053 of 2024

In re: An Application for **Bail** under Section 439 of the Code of Criminal Procedure, 1973/section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Pathar Pratima** Police Station Case No. **414** dated **16.11.2023** under Sections **363/365** of the Indian Penal Code (Subsequently charge sheet has been submitted under Sections **363/365/376(2)(n)/506** of the Indian Penal Code and adding Sections **6(1)** of the **Protection of Children from Sexual Offences Act, 2012 (POCSO)**.

-And-

In the matter of : Prasanta Das

... .. Petitioner

Mr. Ayan Basu
Mr. Sandip Kumar Mondal
Mr. Sumit Routh
... .. For the Petitioner

Mr. Saryati Dutta
Mr. Arka Chakraborty
... ...For the State

Mr. S. Shasmal
....For the defacto complainant

Petitioner is in custody for 338 days. Police filed charge sheet.

State and the defacto complainant are represented.

Petitioner is of 22 years of age. Victim claims to be 16 years of age.

There are two statements recorded under Sections 161 and 164 Cr.P.C. both at the behest of the victim.

The first set of 161 and 164 of the Cr.P.C. are exonerative in nature. So far as the second sets are concerned, they speak about a proposal of marriage and a physical relationship.

Medical evidence in the Case Diary does not corroborate the claim of physical relationship, since during the first set of statement, victim refused medical examination. The second set is inconclusive.

Considering the period of the custody and the fact that the police filed charge sheet and the other materials as noted above, we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Additional and District Sessions Judge, 1st Court, Special Court under POCSO Act**, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

C.R.M.(DB) 4053 of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)