

26.
30-01-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 4064 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kalna Police Station Case No.865 of 2024 dated 22-07-2024 under Sections 137(2)/140(3)/351(2) of the BNS, 2023 read with Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Asraf Sk. @ Rajjak Sk. @ Rajfore
.... Petitioner.

Mr. Dhananjay Banerjee,
Mr. Arup Kumar Bhowmick
... For the Petitioner.

Mr. Soumik Ganguly,
Mr. Asif Dewan
... For the State.

Mr. Ramashis Mukherjee,
Mr. Rameshwar Sinha
... For the defacto complainant.
(Legal Services Committee)

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for six months. He has been falsely implicated in this case. There was an affair between him and the victim girl. Investigation is complete. His further custodial detention is unnecessary.

2. Learned advocates for the State and the defacto complainant oppose the petitioner's prayer for bail.

3. We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. She does not talk of sexual assault. She alleges

that she was taken to another village by the petitioner. Later, she was recovered. She refused medical examination.

4. On an overall assessment of the material on record and considering that the investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary.

5. Accordingly, we direct that the petitioner, namely, **Asraf Sk. @ Rajjak Sk. @ Rajfore**, 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 Additional Sessions Judge cum Judge, Special Court under POCSO Act, Kalna, Purba Baardhaman. The petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the territorial limits of Kalna Police Station and shall appear before the Officer-in-Charge/Inspector-in-Charge of the concerned police station within whose jurisdiction he shall be residing while on bail, once in every week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, Kalna Police Station and concerned jurisdictional police station his current local address where he shall be residing while on bail.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. 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.)