

53. 20.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 4118 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 **Nakashipara** Police Station Case **No.811/2024** dated **08.9.2024** under Sections **137(2)/140(3)/3(5)** of the Bharatiya Nyaya Sanhita, 2023. Charge-sheet no.926/2024 dated 22.10.2024 under Sections **137(2)/140(3)/64(2)** of the Bharatiya Nyaya Sanhita, 2023 read with Section **6** of POCSO Act, 2012.

And

In the matter of: - **Tushar Sarkar @ Trinath Sarkar**

...petitioner.

Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioner.

Mr. Suman De
Mr. Sourat Nandy

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. There was an amorous relationship between him and the victim girl. The victim girl voluntarily went with him to Bongaon and stayed there for three nights. They had consensual physical relationship. They returned on their own. The petitioner is in custody for 117 days. Investigation is complete. He prays for bail.
2. Opposing the prayer for bail learned State Counsel draws our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973

/ Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Admittedly, there was a love relationship between the petitioner and the victim girl. The victim girl refused medical examination.

3. On an overall assessment of the material on record and the nature and gravity of the offence and seeing that investigation is complete and charge-sheet has already been submitted, we are of the view that further custodial detention of the petitioner is not necessary. The prayer for bail is thus allowed.
4. Accordingly, we direct that the petitioner, namely, **Tushar Sarkar @ Trinath Sarkar**, 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 the learned Judge, Special Court under POCSO Act, Nadia at Krishnagar, 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.
5. 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.

6. The application for bail being CRM (DB) 4118 of 2024 is accordingly disposed of.
7. 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)