

26.02.2025
Item No.58
Court No.26
S.D.
(Bail granted)

CRM (DB) 4273 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 **Chapra** Police Station Case No. **646** of **2024** dated **25.06.2024** under Section **376/323/34** of the Indian Penal Code, 1860 and under Section **6** of the Protection of Children from Sexual Offences Act (Amended), 2012, 2019 which charge sheet was submitted under Sections **376/323/120B/34** of the Indian Penal Code, 1860, and under Sections **6/17** of the Protection of Children from Sexual Offences Act (Amended), 2012, 2019 and under Sections **9/10** of the Prohibition of Child Marriage Act, 2006.

-And-

In the matter of: XXXX

... .. Petitioner

Mr. Prabir Kumar Majumder

... .. For the Petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.,

Ms. Madhumita Basak

...For the State

State was required to inform the defacto complainant as to the pendency of the application for bail by the Coordinate Bench on February 7, 2025. State did so.

Report of the State is that the parents of the minor victim are not cooperating. Minor is untraceable.

Learned Additional Public Prosecutor draws the attention of the Court to a writing dated August 20, 2024 available in the case diary which records that the defacto complainant is not willing to pursue the case.

Mother of the victim is an accused with a supplementary charge sheet filed with respect thereto.

Considering such facts, we deem it appropriate to 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 Judge, Special Court, POCSO Act, Krishnagar, Nadia** subject to the 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) 4273 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)