

19.02.2025

DL-67

Court No.26
(Bail **allowed**)
(AD)

CRM (DB) 4219 of 2024

In re : An application for **Bail** under Section 439 of the Code of Criminal Procedure as amended/ under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C. Spl. Case No.106/2024 (C. Special Case No.106/2024) arising out of **Saktipur** Police Station Case No.199 of 2024 dated **15.08.2024** under Sections **64(2)(M)/351(2)** of the Bharatiya Nyaya Sanhita, 2023 and Sections **6/17** of the Protection of Children from Sexual Offences Act and Charge Sheet submitted under Sections **64(2)(M)/351(2)** of the Bharatiya Nyaya Sanhita, 2023 and Sections **6/17** of the Protection of Children from Sexual Offences Act, presently pending before the Learned Judge, Special (POCSO) Court, Berhampore, Murshidabad.

-And-

In the matter of : Tufan Sk.

... .. Petitioner

Mr. Tapodip Gupta, Advocate
Mr. Suman Bhanja, Advocate

...for the petitioner

Mr. Bitashok Banerjee, Advocate
Mr. Mainak Gupta Advocate

...for the State

Mr. Mobaidur Hossain, Advocate
... for the de facto complainant.

1. Petitioner prays for bail.
2. State and the de facto complainant are represented.
3. Victim recorded her statement under Section 164 of the Code of Criminal Procedure where she acknowledges that, there was a romantic relationship between her and the petitioner.
4. Victim underwent a medical examination where, the victim confided with the doctor that she was in a

relationship with her boyfriend and that, the boyfriend refused to marry her.

5. Police filed charge sheet.
6. Petitioner is in custody for six months five days.
7. Romantic relationship subsequently turning sour cannot be ruled out.
8. In such circumstances, we grant bail to the petitioner.
9. Accordingly, we direct that the petitioner, namely, **Tufan Sk.**, 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 (POCSO) Court at Berhampore, Murshidabad**, subject to conditions 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.
10. 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.
11. Accordingly, the prayer for bail of the petitioner is **allowed.**
12. **CRM (DB) 4219 of 2024** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)