

1.
13-01-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 4278 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 Kalighat Police Station Case No.158 of 2024 dated 24-11-2024 under Sections 61(2)/74/79/85/109/115(2)/117(2)/351(2)/351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 16/18 of the Protection of Children from Sexual Offences Act, 2012.

- A n d -

In the matter of : Vikas Mishra

.... Petitioner.

Mr. Sayan Chattopadhyay,
Mr. Manas Ajai Sonkar

... For the Petitioner.

Ms. Anasuya Sinha, learned APP,
Mr. Santanu Talukdar

... For the State.

Mr. Anand Keshari,
Mr. Shounak Mondal

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

1. We have seen the report filed by the State as regards the health condition of the petitioner. It does appear that the petitioner requires immediate medical attention.

2. We have also considered the facts and circumstances of the case. The petitioner says that a false complaint has been lodged. It is a family dispute which has given rise to this case.

3. We have seen the material in the Case Diary including the statement of the defacto complainant recorded under Section 164 of the Code of Criminal Procedure. The

statements of the children, who were allegedly sexually assaulted by the petitioner, have not been recorded under Section 164 of the Code of Criminal Procedure, as the defacto complainant, being the mother of the children, is not inclined to expose the children to such exercise. The petitioner is in custody for 50 days.

4. On an overall assessment of the facts and circumstances of the case and the possible degree of complicity of the petitioner in the alleged crime, we are inclined to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Vikas Mishra**, 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 Judge, Special Court under POCSO Act & Additional Sessions Judge, 2nd Court, Alipore. 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 jurisdiction of Kalighat Police Station except for the purpose of attending the court proceedings and shall furnish his current local address where he will be residing while on bail, to the learned trial Court and the Officer-in-Charge/Inspector-in-Charge in whose jurisdiction he will be residing and shall also appear before such Officer-in-Charge/Inspector-in-Charge once in a fortnight, until further orders.

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.)