

14. 28.02.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 5 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Hanskhali** Police Station Case No. **649/2024** dated **23.9.2024** under Sections **65(1)** of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of POCSO Act, 2012.

And

In the matter of: - **PROKASH KARMAKAR @ PRAKASH KARMAKAR**

...petitioner.

Ms. Sayani Sardar

...for the petitioner.

Mr. Saryati Datta

Ms. Chandreyi Dutta

...for the State.

Mrs. Subhasree Patel

Mr. Soham Banerjee

Ms. Shruti Mukhopadhyay

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. Affidavit of service filed on behalf of the petitioner in Court today be kept with the records. The *de facto* complainant is represented through learned lawyer.
2. The petitioner says that he has been falsely implicated in this case. He has absolutely no role to play in alleged offence of rape. He is in custody for more than six months. Investigation is complete. Charge has been framed. His further custodial detention is unnecessary. He prays for bail.
3. While opposing the prayer for bail, learned State Advocate draws our attention to the statements of the victim girl recorded under

Section 164 of the Criminal Procedure Code, 1973 as also to the medical report.

4. On an overall quality of the material on record and considering the period of detention of the petitioner, we are of the view that further custodial detention of the petitioner is not necessary. Hence, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **PROKASH KARMAKAR @ PRAKASH KARMAKAR**, 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), Ranaghat, Nadia, 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 and on further condition that the petitioner, while on bail, shall remain within the territorial jurisdiction of Ranaghat Police Station (jurisdiction of the Trial Court) and shall furnish his present address to the Inspector-in-Charge of the said Police Station as well as to the learned Trial Court and shall also meet the Inspector-in-Charge of Ranaghat Police Station, twice in a week, until further orders.
6. 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.

7. The application for bail being CRM (DB) 5 of 2025 is accordingly disposed of.
8. Criminal Section is directed to supply 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.)