

20.03.2025
Item no.11.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 21 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Sankrail Police Station Case No. 14 of 2024** dated **22.02.2024** under **Sections 363/365/34/376(2)(n)** of the Indian Penal Code & **Section 6** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

In the matter of : Akhay Das @ Akshay Das. ...Petitioner.

Mr. Avik Ghatak,
Mr. Fahad Imam,
Mr. Akash Ghosh, ...for the Petitioner.

Ms. Sonali Das,
Mr. Debanshu Ghorai, ...for the State.

Mr. Soumajit Chatterjee, ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. We are told that no DNA test was undertaken as the pregnancy was terminated before the investigation started. We have seen the statement of the victim girl recorded under Section 164 Cr.P.C. (Section 183 B.N.S.S.). The statement leaves no manner of doubt that there was a long standing relationship between the victim girl and the petitioner and allegedly as a result of which she became pregnant.
3. In view of the statement of the victim girl and considering that the petitioner is in custody for more than a year and there is no possibility of an early conclusion of the trial, since there are 15 chargesheet named witnesses and charge is scheduled to be

framed on April 2, 2025, in spite of objection raised by learned counsel for the State and the de facto complainant, we are inclined to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Akhay Das @ Akshay Das** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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), Jhargram subject to the condition that the petitioner shall remain within the jurisdiction of the concerned police station and shall meet the O.C/I.C. of the concerned police station once in a fortnight, until further orders.
5. The petitioner shall appear before the 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.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)