

CRM (DB) 56 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Malda Police Station** Case No. **413 of 2022** dated **09.09.2022** under Sections **363/365/376(3)** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Mithun Halder @ Mithun Halder

.... Petitioner.

Mr. Sujoy Sarkar,
Mr. Musharaf Alam,

... For the Petitioner.

Mr. Madhusudan Sur,
Ms. Srilekha Chatterjee,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Service report filed by the State be kept with the records.
2. In spite of service, nobody appears for the defacto complainant/victim.
3. The petitioner says that he is in custody for more than one year nine months. Investigation is complete. However, there was an amorous relationship between him and the victim girl. The depositions of the victim and her mother have been recorded by the learned Trial Court. As there is no chance of an early conclusion of the trial, he may be enlarged on bail on any condition.
4. Learned State Advocate opposes the bail prayer. However, he draws our attention to the statement of the victim girl recorded under Section 164 of the Criminal Procedure Code.
5. We have considered the materials on record and the case diary. We have also taken into account the statement of the victim girl recorded under Section 164 of the Code. As there is no chance of an early conclusion of the trial and as we find that there was an

amorous relationship between the parties, we are inclined to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Mithun Haldar @ Mithun Halder**, 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 Special Judge under the POCSO Act, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned police station and shall meet the O.C of the concerned police station once every fortnight until further orders.

7. 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.

8. The application for bail is, accordingly, allowed.

9. 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.)**