

27.02.2025
Item No.36
Court No.26
Allowed
CHC

CRM (DB) 4418 of 2024

In re : An Application for **Bail** under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Belgharia** Police Station Case No. **366** of **2024** dated **23.09.2024** under Sections **126(2)/ 115(2)/ 303(2)/ 351(3)/ 3/5** of BNS 2023 and Section 6 of POCSO Act.

-And-

In the matter of : Soumik Dhar

... ... Petitioner

Mr. Debasis Kar, Advocate
Mr. Arka Tilak Bhadra, Advocate
... ... *For the Petitioner*

Ms. Sujata Das, Advocate
Ms. Suruchi Saha, Advocate
... ...*For the State*

Mr. Akashdeep Mukherjee, Advocate
... *For the de facto complainant*

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, the petitioner is in custody in excess of 4 months. Police filed charge-sheet and therefore, continued detention of the petitioner is not required. He points out that, the petitioner is of 24 years of age.
3. Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code as also to the medical examination report.
4. Learned advocate appearing for the de facto complainant submits that, there was no affair between the petitioner the victim as claimed by the petitioner.

5. Victim in her statement under Section 164 of the Criminal Procedure Code acknowledges that, there was relationship between her and the petitioner. Victim is about 17 years of age.
6. Police filed charge sheet. Requirement of further detention of the petitioner in custody is not felt.
7. In such circumstances, we are inclined to grant bail to the petitioner.
8. Accordingly, we direct that the petitioner 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 Court of Special Judge (POCSO Act), Barrackpore**, subject to condition 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.
9. 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.
10. The prayer for bail of the petitioner is **allowed**.
11. CRM(DB) 4418 of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)