

19.05.2025
Item No.2.
Daily List
Court No.39
(Allowed)
Mithun

CRM (R) 34 of 2025

In re : An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case No.14 of 2025 corresponding to SC (Spl) 14 of 2025 arising out of Balagarh Police Station Case No.71 of 2025 dated February 11, 2025 under Sections 126(2)/74 of the Bharatiya Nyaya Sanhita, 2023 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 wherein Charge Sheet has been submitted vide Charge Sheet No.77 of 2025 dated March 21, 2025 under Sections 126(2)/75(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 now pending before the Learned Judge, Exclusive POCSO Court, Chinsurah, Hooghly.

-And-

In the matter of : Pradip Dey @ Pradip Kumar Dey

... Petitioner

Mr. Navanil De,
Ms. Monami Mukherjee

...for the petitioner

Mr. Prasun Kumar Dutta, Ld.A.P.P.,
Mr. Samarjit Balial

... ...For the State

Affidavit-of-service filed on behalf of the petitioner is taken on record.

Learned Advocate appearing for the petitioner submits that the family of the victim owe a sum of rupees to the petitioner for delivery of certain items from his shop which remained unpaid. In order to avoid making such payment, the petitioner has been falsely implicated. The victim has refused to undergo medical examination. Upon completion of investigation,

charge sheet has already been submitted in this case under Section 8 of the POCSO Act and Section 126(2)/75(2) of the BNS. He seeks for enlargement of the petitioner on bail.

Learned advocate for the State submits that the victim in her statement before the Magistrate has implicated the petitioner. He seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The written complaint shows that petitioner runs a shop where the victim went for procuring certain articles. The victim in her statement implicates the petitioner. Be that as it may, the veracity of such statement may be examined in trial. Upon completion of investigation, charge sheet has already been submitted under Section 8 of the POCSO Act and Section 126(2)/75(2) of the BNS. The petitioner is in custody for 98 days. Considering the above, I am inclined to enlarge the petitioner on bail on stringent conditions .

The petitioner, namely, **Pradip Dey @ Pradip Kumar Dey** 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 a local, to the satisfaction of the learned Judge, Exclusive POCSO Court, Chinsurah, Hooghly subject to condition that the petitioner shall report to the Inspector-in-Charge of the concerned Police Station once in a fortnight. The petitioner shall not enter the jurisdiction of Balagarh Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of the concerned Police Station. The petitioner shall furnish the address where he shall

presently reside before the learned Trial Court, the investigating officer and the Inspector-in-Charge of the police station under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned Trial Court on each and every date fixed and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail 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.

Accordingly, **CRM (R) 34 of 2025** is disposed of.

(Bivas Pattanayak, J.)