

19.08.2021
Item no.84.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 4262 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 23.06.2021 in connection with Ranaghat Women Police Station Case No.59 of 2018 Dated 19.8.2018 under Section 376(2)(1) of the Indian Penal Code read with Section 4 of the POCSO Act

And

In the matter of : Tanuj Biswas

.....Petitioner.

Ms. Minoti Gomesfor the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Rita Dutta,
Ms. Puspita Sahafor the State.

The petitioner is in custody for about 2½ years and renews his prayer for bail. His earlier prayer was rejected by a Coordinate Bench of this Court vide order dated 5.2.2021 passed in CRM No.11101 of 2020.

The petitioner submits that the DNA test report reveals that he is not the biological father of the child of the victim. It is further submitted that the petitioner has been falsely implicated and has no involvement in the alleged offence.

The State refers to the case diary including the DNA test report of the petitioner. It appears that the petitioner is not the biological father of the child of the victim.

The report submitted on behalf of the State is taken on record.

Having considered the material available in the case diary, nature of allegation against the petitioner, DNA report as well as extent of complicity of the petitioner in the alleged offence and also as the petitioner is in custody for 2½ years, we are inclined to hold that his further custodial detention is not necessary and his prayer for bail may be acceded to.

Accordingly, we direct that the petitioner 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 Additional Chief Judicial Magistrate, Ranaghat, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

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.

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.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)