

18.08.2023
Serial no. 4
[G.S.D]

CRM (SB) 163 of 2023

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with ST Case No. 05(05) 2023 Electronic Complex Police Station Case Number 199 of 2022 dated 01.12.2022 under Section 354 of the IPC, 1860 read with Sections 8/9(1)/9(n)/10/11 of the POCSO Act, 2012.

-And-

In the matter of : Asish Biswas Barman alias Asish Biswas

... .. Petitioner

Mr. Susnigdho Bhattacharyya
Mr. S. S. Sarkar
Ms. Bidisha Chakraborty

... .. For the Petitioner

Mr. Swapan Banerjee
Mr. A. S. Chatterjee

... ..*For the State*

The report submitted by the S.I., Electronics Complex P.S. Bidhannagar Police Commissionerate dated 17.8.2023 be kept with the record.

The records of the Electronic Complex Police Station Case Number 199 of 2022 dated 01.12.2022 reflects that the evidence of the victim girl has already been completed and the dates have been fixed subsequently for recording the evidence in relation to other witnesses.

The petitioner is in custody for more than 270 days.

Having regard to the period of detention and the fact that the victim girl is presently residing within the

jurisdiction of Baguihati P.S., I am of the view that the petitioner, at this stage, should be released on bail.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner viz, Asish Biswas Barman alias Asish Biswas shall be released on bail upon furnishing 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 Special Court, Barasat or the Learned CJM, Barasat.

If on bail, the petitioner shall not leave the jurisdiction of Electronic Complex Police Station except for the purposes of attending the Court. The petitioner shall, once in a fortnight, attend the Electronic Complex P.S. and an acknowledgement to that effect, be issued by the concerned P.S. The petitioner should, on the date fixed for trial, be physically present before the Learned Trial Court until and unless the Trial Court deems it necessary that his appearance may be excused.

Accordingly, CRM(SB) 163 of 2023 is allowed.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)