

28.03.2024
11
sdas
allowed

CRM (DB) No. 581 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Garden Reach Police Station Case No. 93 of 2023 dated 16.06.2023 under Section 376(2)(n) of the Indian Penal Code adding Section 6 of the POCSO Act.

And

In Re : Bablu @ Md. Kamrujjaman petitioner

Mr. Deepak Prahladka
Ms. Reshmi Khatun

....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mr. Iqbal Kabir

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for nine months. He has been falsely implicated. He is not biological father of the child born to the victim who was allegedly raped. He prays for bail.

2. Learned Counsel for the State produces the Case Diary including DNA report. Let the report be kept on record.

3. DNA report shows petitioner is not biological father of the child born to the victim girl. In view of the aforesaid forensic report which improbabilises the allegation of sexual intercourse between the petitioner and the victim we are inclined to grant bail to him.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the

learned Judge, Special Court under POCSO Act, Alipore-cum- 2nd Additional Sessions Judge, Alipore, South 24 Parganas, subject to conditions that 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.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)