

114.
14-05-2024
(ct. no.06)
debajyoti

CRM (DB) 950 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagdah Police Station Case No.184 of 2023 dated 20-03-2023 under Section 376D of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

- A n d -

In the matter of : Samiran Roy

.... Petitioner.

Mr. Susnigdho Bhattacharya,
Ms. Arundhuti Barai

... For the Petitioner.

Mr. Joydeep Biswas,
Mr. Debarshi Brahma

... For the State._

The charge is under POCSO Act. The allegation is that the petitioner, being the uncle of the victim girl (16 years of age), repeatedly committed rape upon the victim girl. The victim girl became pregnant. Her pregnancy was ended medically. DNA test was conducted. From the DNA report that has been filed in Court, we find that the petitioner is not the biological father of the aborted child.

Learned advocate for the State opposes the prayer for bail and produces the Case Diary. The State has also filed a report today in terms of the earlier order. Let such report be kept with the records.

We have considered the material in the Case Diary including the statements of the victim girl recorded under Sections 161 and 164 of the Code of Criminal Procedure. The petitioner is in custody for about 150 days. Investigation is complete. Charge sheet has been filed.

On an overall consideration of the facts and circumstances of the case and the material in the Case Diary, we are of the opinion that continued detention of the petitioner in custody shall serve no useful purpose. The co-accused, being the victim girl's father, has been granted bail.

Accordingly, we direct that the petitioner, namely, **Samiran Roy**, shall 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 local, to the satisfaction of learned Additional District & Sessions Judge, 1st Court, Bongaon, North 24-Parganas. 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight until further orders.

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 his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 950 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)