

11.07.2024
Item no.64.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1265 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Duttapukur Police Station Case No. 341 of 2022 dated 13.04.2022 under Section 363 of the Indian Penal Code adding Section 376(2)(i)(D) of the Indian Code, 1860, read with Section 06 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Anirban Biswas @ Sid.

.....Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal,
Ms. Labani Sikder,

.....for the Petitioner.

Mr. Antarikhya Basu,
Mr. Tirupati Mukherjee,

.....for the State.

the petitioner is in custody for about 2 years and 3 months. He says that he has been framed in this case. The victim girls on their own volition went out with him and another friend. They wanted to have a party time. Only one out of 25 witnesses has been examined. Nobody can say when the trial will conclude. He should be enlarged on bail.

The State has served notice of this application on the victim girl which has been received by the father of the victim girl. Nobody represents the victim girl.

The State while opposing the prayer for bail draws our attention to the deposition of the victim girl who has already been examined. The State says that there is direct evidence of the involvement of the petitioner in the alleged crime. Hence, bail should not be granted.

We have seen the material-on-record. The medical report does not support the prosecution case or the victim's case that she was raped by the petitioner.

Even otherwise, the petitioner is in custody for a considerable period of time. There is no possibility of an early conclusion of the trial. keeping in mind the quality of evidence and materials so far on record and the importance of a citizen's fundamental right to personal liberty and speedy trial, we are inclined to enlarge the petitioner on bail but on stringent conditions.

Accordingly, we direct that the petitioner namely **Anirban Biswas @ Sid** 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 Judge, Special Court under Protection of Children from Sexual Offences Act, Barasat, North 24-Parganas and on further conditions that he shall remain within the jurisdiction of the concerned police station and on further condition that he shall not enter the locality where the victim resides.

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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)