

26.04.2024.
29.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1320 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat P.S. Case No.839 of 2023 dated 31.12.2023 under Sections 376/511/506 of the Indian Penal Code read with Section 8 of the POCSO Act.

In the matter of : **Joy Basak @ Jay Basak.**

.... Petitioner.

Mr. Sayan De,
Mr. Sayan Kanjilal,
Mr. Kaustav Shome.

...for the Petitioner.

Ms. Zareen N. Khan,
Ms. Ankita Paul.

...for the State.

Mr. Mohinoor Rahaman,
Ms. Maria Rahaman.

...for the de-facto complainant.

1. Petitioner is in custody for 117 days. It is submitted he has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. Inspite of notice nobody appears for the victim.
4. We have considered the materials on record including the statement of the minor. Petitioner contends he has been falsely implicated. Credibility of the minor's version may be thrashed out during trial. There is no chance of abscondence.
5. Hence, we are inclined to enlarge the petitioner on bail.
6. Accordingly, the petitioner viz., **Joy Basak @ Jay Basak** 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 the POCSO Act, Ranaghat, Nadia subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Ranaghat Police Station except for the purpose of court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the jurisdictional court and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

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

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)