

29.11.2024
Item no. 08.
Court No.29.
AB
(Allowed)

CRM (DB) 1444 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gobardanga Police Station Case No.276 of 2022 Dated 04.10.2022 under Sections 363/365/376(3)/34 of the Indian Penal Code read with Section 4 of the POCSO Act

And

In the matter of : Samir Das **.....Petitioner.**

Mr. Manojit Debnathfor the Petitioner.

Mr. Debasish Roy, Id. PP
Ms. Nahid Ahmedfor the State.

Dictated by Arijit Banerjee, J.

1. Supplementary Affidavit filed on behalf of the petitioner to bring on record the depositions of the victim girl and her mother, be kept with the records.
2. The petitioner says that he is in custody for more than two years and one month. He has been falsely implicated. He has filed copies of depositions of the victim girl and her mother. Neither the victim girl nor her mother names this petitioner as an offender.
3. Learned State Advocate says that even in the statement under Section 164 Cr.P.C., what the victim girl stated was that she left the house on her own volition with the petitioner.

4. In that view of the matter, considering the lengthy detention of the petitioner and since the vulnerable witnesses have already been examined we are of the view that further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely **SAMIR DAS** 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 Chief Judicial Magistrate, North 24 Parganas at Barasat, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. 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.
7. 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.
8. The application for bail is, accordingly, allowed.

9. 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.)