

16.
Court
No.28

15.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1976 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with POCSO Case No. 6 of 2018 arising out of **Raiganj Women Police Station Case No.11 of 2018** dated **27.02.2018** under Sections **376 (2)(1)** of the Indian Penal Code, read with Section **6** of the POCSO Act, 2012.

And
In the matter of: - **Md. Bathu @ Batu Hossin**

...petitioner.
Mr. Navanil De, Adv.,
Mr. Srijan Ghosh, Adv.

...for the petitioner.
Ms. Rituparna De Ghose, Adv.,
Ms. Kanchan Roy, Adv.

...for the State.

The petitioner is in custody for four years and seven months. He renews his prayer for bail which was rejected twice earlier.

Learned Advocate for the petitioner draws to our attention the evidence of the victim girl and her mother recorded by the learned Trial Court. The same does not support the prosecution case at all.

In view of the aforesaid, in spite of learned Advocate for the State opposing the prayer for bail, we are inclined to allow the petitioner’s prayer for bail.

Accordingly, we direct that the petitioner, namely, **Md. Bathu @ Batu Hossin**, 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 the learned Judge, Special Court (under POCSO Act), Raiganj, Uttar Dinajpur, subject to condition that the

petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any 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 being CRM (DB) 1976 of 2024 is accordingly disposed of.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)