

09.07.2024
Item no. 22.
Court No.28.
AB
(Allowed)

CRM (DB) 2098 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.94 of 2024 Dated 31.01.2024 under Sections 363/ 365/376/506 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Basiruddin Ali Mistri

.....Petitioner.

Mr. Nilanjan Adhikarifor the Petitioner.

Mr. Debasish Roy, Id. PP
Mr. Arijit Ganguly,
Mr. Koushik Kundufor the State.

The petitioner says that he is in custody for 148 days. Investigation is complete. He has been falsely implicated. He should be released on bail.

Learned Advocate, while opposing the prayer for bail, drew our attention to the statement of the victim girl recorded under Section 164 Cr.P.C. We have also seen the medical report. Both of those documents support the version of the petitioner and do not advance the case of the prosecution to any extent.

Further, investigation is complete. Therefore, we are of the view that it is not necessary to detain the petitioner in custody any further.

Accordingly, we direct that the petitioner, namely **Basiruddin Ali Mistri** 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 at Barasat, North 24 Parganas, 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.

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.)

