

## CRM (DB) 2659 of 2024

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kumarganj Police Station** Case No. **95 of 2024** dated **28.03.2024** under Sections **363/365** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

**In the matter of : Bappa Roy @ Bhola**

.... Petitioner.

Mr. Rabiul Islam,  
Mr. Shamim Ul Bari,  
Mr. K. A. Ali,  
Mr. M. Rahaman,

... For the Petitioner.

Mr. Atif Ahmed Siddiqui,

... For the State.

### Order dictated by Prasenjit Biswas, J.:

1. It is stated by the petitioner that he is in custody for 158 days. He is completely innocent and has been falsely implicated with the alleged crime, having no connection with the offence. It is submitted that all the allegations as made in the written complaint are totally false and baseless. His bail prayer may be considered on any condition as this court deems fit.

2. Learned Advocate for the State raises objection by submitting that there are sufficient incriminating materials which show *prima facie* involvement of the accused petitioner with the alleged offence.

3. At the time of the hearing we had occasion to go through the deposition of PW 3/victim girl. It appears that the investigation process has already been completed by submission of charge sheet

by the prosecution agency and after framing of charge evidence taking process has been initiated.

4. In view of the aforesaid, there is no need of further detention of the petitioner behind the bar and we enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Bappa Roy @ Bhola**, 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 Special Judge under the POCSO Act, Balurghat, Dakshin Dinajpur 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 in any manner whatsoever.

6. 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.

7. The application for bail is, accordingly, allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

( **Prasenjit Biswas, J. )**

( **Arijit Banerjee, J. )**