

27.
19-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2675 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gobordanga Police Station Case No.186 of 2022 dated 01-07-2022 under Sections 363/365 of the Indian Penal Code adding Section 376 of the Indian Penal Code read with Sections 4/6 of the Protection Of Children from Sexual Offences Act.

- A n d -

In the matter of : Sudipta Bairagi

.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Laboni Sikder

... For the Petitioner.

Mr. Anand Keshari,
Mr. Arabinda Manna

... For the State.

Dictated by Arijit Banerjee, J.

Leave is granted to the petitioner to correct the cause title.

Service report filed by the State in Court today be kept with the records. In spite of service, none appears on behalf of the defacto complainant/victim.

The petitioner says that he has been in custody for two years three months. Only two out of twelve prosecution witnesses have been examined. He has been falsely implicated. He was eyewitness to the murder of his mother and severe assault on his father, who survived. He lodged a complaint against the miscreants who were, according to him, political goons. He was falsely implicated earlier in two separate criminal cases one under the Arms Act and the other

under the NDPS Act. He has been acquitted in both the cases. Now he has been falsely implicated in this case. The vulnerable witnesses have been examined. He prays for bail.

While opposing the prayer for bail, learned State advocate says that there is incriminating evidence against this petitioner. However, he does not dispute that the petitioner was acquitted in the other two cases as mentioned above and that vulnerable witnesses have been examined.

In view of the aforesaid and there being a possibility of false implication of the petitioner for the reasons recorded above and keeping in view that vulnerable witnesses have been examined and the petitioner is in custody for a lengthy period of time, we allow the prayer of the petitioner for bail.

Accordingly, we direct that the petitioner, namely, **Sudipta Bairagi**, 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 learned Judge, Special Court under POCSO Act, Barasat, North 24 Parganas. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Gobordanga Police Station except for the purposes of attending the court proceedings and meeting the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station and shall inform through his learned advocate the learned trial Court and Officer-in-Charge/Inspector-in-Charge of Gobordanga Police Station his current local address where he shall be residing while on bail. The petitioner shall report to the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2675 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)