

58.  
Court  
No.28

03.09.2024  
  
(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION  
  
CRM (DB) 2683 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Dholahat** Police Station Case **No.388/2022** dated **16.08.2022** under Sections **363** of the Indian Penal Code. Subsequently Charge-sheeted under Sections **363/365/376/506** of the Indian Penal Code read with Section **6(1)** of the POCSO Act, 2012.  
And

In the matter of: - **Najmur Bhang**

Mr. Bibaswan Bhattacharya  
Mr. Supriyo Shasmal

...petitioner.

Mr. Madhusudan Sur, Ld. APP  
Ms. Debjani Dasgupta

...for the petitioner.

Ms. Reshmi Khatun

...for the State.

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. Affidavit of service filed in Court today be kept with the records.
2. The *de facto* complainant has been represented.
3. The petitioner says that he has been in custody for one year and 10 months. Even charge has not been framed. He is innocent. The victim girl changed her version three times. He prays for bail.
4. Learned Advocate for the State and the *de facto* complainant oppose the prayer for bail. They say that the victim girl, out of fear, did not state the true facts on the first two occasions.

The third statement made by her is the correct one implicating this petitioner alone.

5. We are told that initially the victim girl had refused medical examination. After about a month she was medically examined. There is nothing significant in the medical report.
6. We have seen the inconsistent versions of the victim girl recorded under Sections 161/164 of the Code of Criminal Procedure, 1973. The charges even have not been framed. There are 17 charge-sheet named witnesses. Trial has not yet begun. Nobody knows when the trial will conclude.
7. Keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial and also in view of what we have recorded above, we are inclined to enlarge the petitioner on bail.
8. Accordingly, we direct that the petitioner, namely, **Najmur Bhangi** 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, Kakdwip, South 24-Parganas, 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 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

9. 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 his bail in accordance with law without further reference to this Court.
10. The application for bail being CRM (DB) 2683 of 2024 is accordingly disposed of.
11. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

**(Arijit Banerjee, J.)**

**(Prasenjit Biswas, J.)**