

62.
Court
No.28
Allowed

06.09.2024
(Tanmoy)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2686 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 arising out of **Mogra** Police Station Case No. **103/2024** dated **16.03.2024** under Sections **341/376/511/354A/354B** of the Indian Penal Code read with Sections **8/12** of the POCSO Act, 2012.
And

In the matter of: - **Md. Aman Quraishi @ Raj** ...petitioner.
Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder
Mr. Tusar Kanti Hazra
...for the petitioner.
Mr. S.S. Imam
Mr. Ashok Das
...for the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State be kept with the records.
2. In spite of service, nobody appears for the *de facto* complainant.
3. Learned Advocate for the petitioner says that the petitioner is in custody for more than 170 days. He has been falsely implicated in the matter. He has no role to play in the alleged incident. Investigation is complete and charge-sheet has been submitted. His further custodial detention is not necessary.
4. While opposing the prayer for bail, learned Advocate for the State draws our attention to the material in the case diary.
We have seen the statements of the victim girl and her mother recorded under Section 164 of the Code of Criminal

Procedure, 1973. We are told that the victim girl refused medical examination.

5. On an overall assessment of the material on record and given the fact that investigation is complete, we are of the view that continued custodial detention of the petitioner is not necessary.
6. Accordingly, we direct that the petitioner, namely, **Md. Aman Quraishi @ Raj** 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, Hooghly, 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 and on further condition that the petitioner, while on bail, shall not enter the territorial jurisdiction of Mogra Police Station except for the purpose of attending Court proceedings and shall furnish his present address, where he will be residing, to the Officer-in-Charge of Mogra Police Station and shall also report to the Officer-in-Charge of Mogra Police Station, once in a week, until further orders.
7. 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.

8. The application for bail being CRM (DB) 2686 of 2024 is accordingly disposed of.
9. 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.)