

19. 30.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2708 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 **Kultali** Police Station Case No. **520/2023**, dated **17.08.2023**, under Sections **344/363/365/368/376(2)(n)/376(2)(f)/120B** of the Indian Penal Code read with Sections **6/17** of the POCSO Act.
And

In the matter of: - **Morselim Sardar**

...petitioner.

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms Rajashree Tah
Ms. Aishwarya Datta

...for the petitioner.

Mr. Rana Mukherjee, Ld. APP
Mr. Shekhar Barman

...for the State.

Ms. Suchismita Dutta

...for the *de facto* complainant
(through Legal Aid).

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. He has no role to play in the alleged offence. He is in custody for one year and one month. There has been no progress in the trial. Two other accused persons are absconding. He renews his prayer for bail, which was last rejected on December 20, 2023, in CRM (DB) 4610 of 2023.
2. While opposing the prayer for bail learned State Counsel says that there is sufficient incriminating evidence against the petitioner. The medical report also supports the prosecution case.

3. Learned Advocate representing the *de facto* complainant says that she is instructed to submit that the *de facto* complainant/victim has no objection to the petitioner's prayer being allowed.
4. Since there is little chance of early conclusion of the trial and two co-accused persons are at large, and also considering the overall facts and circumstances of the case, we are of the view, further custodial detention of the petitioner is not necessary. The prayer for bail is, thus, allowed.
5. Accordingly, we direct that the petitioner, namely, **Morselim Sardar** 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 & Additional District & Sessions Judge, Baruipur, 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.
6. 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.

7. The application for bail being CRM (DB) 2708 of 2024 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)