

03.09.2024
Item no. 65.
Court No.28.
AB
(Allowed)

CRM (DB) 2699 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Krishnagar Cyber Crime Police Station Case No.43 of 2023 Dated 20.11.2023 under Sections 354A/354C/500/509 of the Indian Penal Code read with Section 12 of the POCSO Act

And

In the matter of : Firoj Sk.

.....Petitioner.

Mr. Atis Kumar Biswas
Ms. Piyu Mondalfor the Petitioner.

Mr. Anowar Hossain,
Md. Kutubuddinfor the State.

Dictated by Prasenjit Biswas, J.

1. It is submitted by the petitioner that he is in custody for a considerable period of time. The petitioner has been falsely implicated with the crime having no nexus with the alleged offence. It is further submitted by the learned Counsel that it was alleged that some obscene photographs of the victim were uploaded in the social media and a link was provided but it has come to know that no photo was uploaded in the said link.
2. Learned Counsel appearing for the State vehemently opposes the prayer for bail and contended that there was serious allegation against this accused petitioner.
3. Our attention is drawn to the statements recorded under Section 161 Cr.P.C. by the witnesses as well as other materials gathered in the case diary. The charge

sheet has been submitted without incorporating any provision of the Information Technology Act.

4. We find that the accused petitioner is in custody for a long period of time. There are 10 witnesses and it is very unlikely that the trial will conclude at an early date. Therefore, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Firoj Sk.** 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 Judge, Special Court under the POCSO Act at Krishnagar, Nadia, 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.
6. 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 and/or commit any cognizable offence in any manner whatsoever.
7. 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.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)