

19.09.2024
Item no.53.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2872 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Dattapukur Police Station Case No. 760 of 2023** dated **27.07.2023** under **Sections 377** of the Indian Penal Code 1860 and **Sections 6** of the Protection of Children from Sexual Offences Act (POSCO), 2012.

And

**In the matter of : Goutam Biswas @ Nepal Biswas.
.....Petitioner.**

Mr. Satyendra Agarwal,
Mr. P. Bag,
Mr. Rafiqul Islam,
Mr. Nilanjan Adhikarifor the Petitioner.

Mr. Sujan Chatterjee,for the State.

Dictated by Arijit Banerjee, J.

1. Affidavit-of-service filed in Court today be kept with the records. In spite of service, nobody appears for the de facto complainant/victim boy.
2. The petitioner says that he has been falsely implicated. He is a badminton coach. The victim boy who was about 14 years of age at the time of the incident, used to attend his coaching class. The false complaint has been filed due to business rivalry. He is in custody for more than 400 days. Witness action has not yet begun. There are 20 charge-sheet named witnesses. There is no

possibility of an early conclusion of the trial. Since his prayer for bail was rejected on April 9, 2024, nothing has progressed. Charge was framed on October 10, 2023. He renews his prayer for bail.

3. Opposing the prayer, learned State advocate draws our attention to the statement of the victim boy recorded under Section 164 Cr.P.C.
4. Prima facie, it appears that the statement made, is void of material particulars. The victim boy further refused medical examination.
5. On an overall assessment of the material-on-record and also considering lengthy detention of the petitioner and that there is little possibility of an early conclusion of the trial, we are inclined to allow the bail prayer of the petitioner.
6. Accordingly, we direct that the petitioner, namely **Goutam Biswas @ Nepal Biswas** 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 POCSO Act), North 24 Parganas at Barasat, and on further conditions that he shall not enter the jurisdiction of the Duttapukur police station except for the purpose of attending Court proceedings and shall also furnish the address where he will be residing to the Officer-in-Charge in

whose jurisdiction he will be residing and shall also appear before such Officer-in-Charge once in a fortnight until further orders.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)