

C.R.M. (DB) 2961 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 **Newtown P.S. Case No. 200 dated June 28, 2023** under **Sections 342/506/376(2)(f)/376(3)** of the Indian Penal Code read with **Section 6** of the Protection of Children from Sexual Offences Act.

And

In the matter of: **XXXXXX**.

Mr. Navanil De,
Mr. Srinjan Ghosh, ...for the Petitioner.

Mr. Bibaswan Bhattacharyya,
Ms. Debadrita Mondal,for the State.

1. Petitioner is the step-father of the victim girl. It is contended due to enmity between her mother and her former husband i.e. the biological father of the child, petitioner has been falsely implicated. Victim has already been examined. Possibility of false implication is to be assessed during trial.
2. Under such circumstances we are inclined to grant bail.
3. Accordingly, we direct the petitioner viz. **XXXXXX** 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), Barasat, 24-Parganas subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
4. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.

5. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)