

CRM (DB) 3158 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Gazole Police Station** Case No. **776 of 2023** dated **05.10.2023** under Sections **376AB** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Naresh Bhuimali

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick,

... For the Petitioner.

Mr. Antarikhya Basu,
Mr. Arabinda Manna,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State in court today be kept with the records. In spite of service nobody appears for the defacto complainant/victim.
2. We find that two witnesses have been examined. February 21, 2025 has been fixed as the date for examination of PW 3. The petitioner is in custody for more than one year one month. There are 10 charge sheet named witnesses.
3. We have seen the deposition of the victim girl. The medical report *prima facie* does not support the prosecution case.
4. On an overall assessment of the material on record and considering that the petitioner is a senior citizen, we are of the view that further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely, **Naresh Bhuimali**, 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 Special Judge under the POCSO Act, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of Malda Police Station and shall meet the I.C. of the Malda police station once in a week until further orders.

6. 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.

7. The application for bail is, accordingly, allowed.

8. 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.)