

19.11.2024
Item no.71.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3280 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 **Santipur Police Station Case No. 349 of 2024** dated **26.03.2024** under **Sections 448/376(3)** of the Indian Penal Code and **Section 6** of the Protection of Children from Sexual Offences Act (POSCO), 2012.

And

In the matter of : Rintu Biswas.

.....Petitioner.

Mr. Sadananda Bhattacharyya,.....for the Petitioner.

Ms. Kausik Biswas,

Mr. Debarshi Brahma,for the State.

Mr. Sandipan Maity, ...for the victim.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 238 days. He has been falsely implicated in this criminal case. He says that the victim girl has been examined before the learned Trial Court. She has turned hostile. He prays for bail.
2. While opposing the bail prayer, learned State advocate and learned advocate for the de facto complainant admit that the victim girl has turned hostile.
3. In that view of the matter, we are of the opinion that further custodial detention of the petitioner is unnecessary.

1. Accordingly, we direct that the petitioner, namely, **Rintu 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), Ranaghat, 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.
2. 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.
3. 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.
4. The application for bail is, accordingly, allowed.
5. 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.)