

24.12.2024
Item no. 61.
Court No.29.
AB
(Allowed)

CRM (DB) 3830 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 Amdanga Police Station Case No.236 of 2020 Dated 19.04.2020 under Sections 376(2)(1)/376(3) of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Md. Rejaul Islam @ Raju

.....Petitioner.

Mr. Biplab Roy,
Ms. Rashmi Roy (Verma).....for the Petitioner.

Mr. Sanjay Bardhan,
Ms. Rita Duttafor 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 defacto complainant.
2. The petitioner claims parity citing an order dated September 30, 2024, passed by a Coordinate Bench in CRM (DB) 2552 of 2024, whereby a co-accused person, namely, Uday Chatterjee, was enlarged on bail primarily on the ground of prolonged detention and delay in progress of trial.
3. The petitioner says that he stands on the same footing as Uday Chatterjee insofar as delay in trial and period of detention is concerned. He is in judicial custody for four years and eight months.

4. Learned State Counsel, while opposing the prayer for bail, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as Uday Chatterjee.
5. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **MD. REJAUL ISLAM @ RAJU** 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 Barasat, North 24 Parganas, and on further conditions that he shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023 until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the geographical limits of the district of North 24 Parganas excepting for the purpose of attending Court proceedings and shall furnish his present address, where he will be residing, to the Officer in charge of Amdanga Police Station and shall also meet

the Officer in charge of the jurisdictional police station where he will be presently residing once in a week until further orders.

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.)

(Partha Sarathi Sen, J.)