

November 25, 2024

2 ARDR

Allowed

CRM(SB) 154 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 correspondence under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Airport** Police Station Case No. 128 of 2024 dated 07/07/2024 under Section 8/12 of the POCSO Act now numbered as POCSO case no. 121 of 2024.

And

In Re : Dulal Majumder,

... Petitioner.

Adv. Debasis Kar,
Adv. Arka Tilak Bhadra,
Adv. Jagori Mitra,

... For the Petitioner.

Adv. Md. Adil Badr,
Adv. Nirupam Dhali,

... For the State.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated due to a dispute between neighbours with regard to a passage. The petitioner is in custody for more than four and half months. Charge sheet has been submitted.

Producing the Case Diary, learned counsel for the State opposes the prayer for bail. Learned counsel takes this Court to the statement of the victim and the defacto complainant recorded under Section 164 of the Code of Criminal Procedure and submits that the matter was initially placed before the Hon'ble Division Bench of this Court which turned down the prayer for bail of the petitioner. Subsequently it was brought to the notice of the Hon'ble Bench that since the alleged offences are punishable for a maximum period of seven years, the matter has to be dealt with by the single Bench. The matter was released by the Hon'ble Bench.

The petitioner is in custody for more than four months. Charge sheet has been submitted. It appears that the medical examination of the victim girl was refused.

Considering the material available before me and also the fact that charge sheet has been submitted, this Court is inclined to hold that further detention of the petitioner for custodial interrogation is not required. The petitioner be released on bail on stringent conditions.

Accordingly, the petitioner, namely, Dulal Majumder, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas, subject to condition that he shall remain away from the jurisdiction of Airport Police Station and shall furnish the address where he shall presently reside before the learned trial Court, the Investigating Officer and the Inspector in charge of the Police Station where he shall presently reside. The petitioner shall enter the jurisdiction of Airport Police Station only for the purpose of appearing before the learned trial Court on every date of hearing fixed before the learned Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. If the petitioner fails to appear before the learned trial Court on any date without any justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail, being CRM (SB) 154 of 2024, is, thus, disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)