

13.11.2024
Sl. No.66
akd
[ALLOWED]

C. R. M. (DB) 3588 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 05.10.2024 in connection with Duttapukur Police Station Case No.09 of 2024 dated 02.01.2024 under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Goutam Biswas**

... .. Petitioner

Mr. Debasis Kar
Mr. Arka Tilak Bhadra

... .. for the petitioner

Mr. Rana Mukherjee
Md. Yaser A. Ismail

... .. for the State

1. It is submitted on behalf of the petitioner he is in custody for about eleven months. It is further submitted petitioner has been falsely implicated in the case owing to a dispute over non-payment of rent by the father of the victim to his uncle, the landlord. Victim has already been examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of notice, nobody appears for the victim.
4. We have considered the materials on record including the evidence of the victim. In cross-examination, she admitted her father had failed to make payment to the landlord who is a relative of the petitioner. Vulnerable witness has already been examined. There is no possibility of trial concluding in the near future. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Goutam Biswas**, be released on bail upon furnishing a 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 Chief Judicial Magistrate, North 24-Parganas at Barasat subject to condition that the said petitioner 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.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)