

CRM (DB) 107 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Kotwali Police Station** Case No. **1221 of 2023** dated **12.12.2023** under Sections **376D/305/34** of the Indian Penal Code and Section 6(1) of the POCSO Act.

- A n d -

In the matter of : Nirmal Biswas @ Mrinal @ Bishu

.... Petitioner.

Mr. Souvik Ganguly,
Mr. A. Islam,
Mr. Sourav Mukherjee,

... For the Petitioner.

Mr. Atif Ahmed Siddiqui,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Service report filed by the State be kept with the records.
2. Status report filed by the State be also kept with the records.
3. In spite of service, nobody appears for the defacto complainant/victim.
4. The petitioner says that he is in custody for more than one year two months. There is no incriminating material against him. He has been falsely implicated. Witness action has not yet begun. There are 13 charge sheet named witnesses. He prays for bail.
5. Learned Advocate for the State opposes the bail prayer. He shows us statements of witnesses recorded under Section 164 of the Criminal Procedure Code.
6. In particular, we have seen the statements of the victim girl's sister and uncle. Both of them say that although this petitioner and one Biswajit had taken the victim girl on a motorcycle, after the girl returned home, it was Biswajit who

threatened the girl over telephone. Therefore, it appears that Biswajit is the principal accused. Biswajit is in custody.

7. On an overall assessment of the materials on record, we are of the view that further custodial detention of the petitioner is not necessary.

8. Accordingly, we direct that the petitioner, namely, **Nirmal Biswas @ Mrinal @ Bishu**, 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, Krishnagar, Nadia 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 not enter within the jurisdiction of the Kotwali police station and shall meet the I.C of the concerned police station, where he will reside, once every fortnight until further orders.

9. 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.

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

11. 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.)**