

28.02.2025
Item no. 27.
Court No.29.
AB
(Allowed)

CRM (DB) 217 of 2025

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 Bhangore Police Station Case No.239 of 2022 Dated 19.04.2022 under Sections 376DA/376(2)(f)/376(2)(i)/376(2)(n)/323/506 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : XXXX @ XXXXX XXXXPetitioner.

Mr. Pawan Kumar Gupta,
Mr. Manoj Kurmi
Ms. Sofia Nesar,
Mr. Santanu Settfor the Petitioner.

Ms. Sonali Das,
Mr. Asif Dewanfor the State.

Dictated by Arijit Banerjee, J.

1. Service Report filed by the State, be kept with the records. In spite of service, nobody appears for the defacto complainant/victim.
2. We find from the status report filed by the State that 3 out of 34 charge sheet named witnesses have been examined till date. The petitioner is in custody for about two years and ten months. The vulnerable witnesses i.e. the victim and the defacto complainant, have already been examined.
3. The report further says that 11/12 more witnesses will be examined by the prosecution. This means that an early conclusion of the trial is highly improbable.
4. Considering the period of detention of the petitioner and the fact that vulnerable witnesses have already been examined and also that there is little possibility of an

early conclusion of the trial, we are inclined to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely **XXXX @ XXXX** 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 Baruipur, South 24 Parganas, and on further conditions that he shall remain within the jurisdiction of the Baruipur Police Station and shall meet the Inspector in Charge of the Baruipur Police Station once in a week until further orders.
6. 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 and/or commit any cognizable offence in any manner whatsoever.
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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

