

33. 28.03.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 197 of 2025**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Basirhat** Police Station Case No. **671/2023** dated **14.10.2023** under Sections **376 (2)(n)(3)/120B** of the Indian Penal Code, 1860 read with Sections 6(1)/17 of POCSO Act, 2012. Special Case No. 71/2023.

And

In the matter of: - **RAHUL GAZI @ JAHIRUDDIN GAZI**

...petitioner.

Mr. Kallol Kumar Basu
Mr. Md. Jannat ul Firdous

...for the petitioner.

Ms. Zareen N. Khan
Ms. Debolina Das

...for the State.

Mr. Priyankar Ganguly
Mr. Md. Golam Nure Imrohi

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State in Court today be kept with the records. Pursuant to service, the *de facto* complainant is represented through learned lawyer.
2. The petitioner says that he is in custody for one year and three months. He has been falsely implicated in this case. Out of 22 charge-sheet named witnesses only one witness has been examined and that too, in part. He prays for bail.
3. Learned Advocate for the *de facto* complainant opposes the prayer for bail.
4. Learned State Counsel places the DNA test report before us. The same excludes the petitioner as the biological father of the child to whom the victim girl gave birth, allegedly as a result of having been raped by the petitioner.

5. In view of the aforesaid DNA test report and considering that the petitioner is in custody for quite some time and there is no possibility of an early conclusion of the trial we allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **RAHUL GAZI @ JAHIRUDDIN GAZI**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under POCSO Act), Basirhat, North 24-Parganas, subject to condition that the petitioner 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, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (DB) 197 of 2025 is accordingly allowed and disposed of.
9. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)