

10.03.2025
Item no. 48.
Court No.29.
AB
(Allowed)

CRM (DB) 513 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 Baguiati Police Station Case No.299 of 2024 Dated 23.05.2024 under Section 4/6 of the POCSO Act

And

In the matter of : Rasel Khan @ Rasel Morol

.....Petitioner.

Mr. Phiroze Edulji, Sr. Adv,
Mr. Anand Keshri,
Ms. Soumili Choudhury,
Ms. Pubali Debnath,
Ms. Priyanka Bhattacharyafor the Petitioner.

Md. Anowar Hossain
Ms. Manasi Royfor the State.

Ms. Suchismita Dutta.....for the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The allegation is that the petitioner kidnapped the victim girl when she was on her way back from school, took her to a hotel and forcibly committed rape on her.
2. The petitioner says that he has been falsely implicated. There is no material on record which would substantiate the prosecution case. He is in custody for 11 months. Not a single witness out of 14 charge sheet named witnesses has been examined till date. He prays for bail.
3. Learned Advocates for the State and the defacto complainant oppose the bail prayer. They have shown us the statement of the victim girl recorded under

Section 183 B.N.S.S. 2023. The medical examination report prima facie does not support the prosecution case.

4. On an overall assessment of the material on record, we are of the view that since investigation is complete, further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely **RASEL KHAN @ RASEL MOROL** 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 Barasat, North 24 Parganas, and on further conditions that he shall not enter the jurisdiction of the concerned police station within which the victim girl resides except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the Baguiati Police Station and shall meet the Officer in Charge of the concerned police station within whose jurisdiction he shall presently reside 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)