

38. 13.03.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 580 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Rahara** Police Station Case No. 260/2023 dated 05.7.2023 under Section **376** of the Indian Penal Code read with Sections 4 of POCSO Act, 2012. POCSO Case No. 111/2023.

And

In the matter of: - **MANIRUL ALI NASKAR @ GOTAI**

...petitioner.

Mr. Debasis Kar
Mr. Husen Mustafi
Mr. Arka Tilak Bhadra

...for the petitioner.

Ms. Shaila Afrin
Ms. Madhumita Basak

...for State.

Dictated by Arijit Banerjee, J.

1. Service report and status report filed by the State be kept with the records.
2. In spite of service, nobody appears for the *de facto* complainant/victim.
3. The petitioner says that he is in custody for one year and seven months. He has been falsely implicated. There was an affair between him and the victim girl. Only one out of 13 charge-sheet named witnesses has been examined, that too, in part. There is no possibility of an early conclusion of the trial. Both on merits and on the ground of delay, he prays for bail.
4. Learned State Counsel draws our attention to the statement of the victim recorded under Section 164 of the Criminal Procedure

Code, 1973 (Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023).

5. We have also considered the medical report. The same does not reveal anything and *prima facie* does not support the prosecution case. The victim girl, in her statement, admitted of a relationship with the petitioner but said that she was coerced into such relationship.
6. On an overall assessment of the material on record and considering the period of detention of the petitioner and seeing that there is no possibility of an early conclusion of the trial, we allow the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner, namely, **MANIRUL ALI NASKAR @ GOTAI** 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 Additional Chief Judicial Magistrate, Barrackpore, 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 and on further condition that the petitioner, while on bail, shall stay outside the territorial jurisdiction of Rahara Police Station and shall furnish his present address through his learned Advocate to the Inspector-in-Charge/Officer-in-Charge of Rahara Police Station as well as the learned Trial Court and shall

also report to the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station, within whose jurisdiction he will be presently residing, once in a week, until further orders.

8. 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.
9. The application for bail being CRM (DB) 580 of 2025 is accordingly disposed of.
10. 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.

(Arijit Banerjee, J.)

(Om Narayan Rai, J.)