

20.03.2025
Item no. 37.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 576 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Ratua Police Station Case No. 93 of 2022** dated **09.03.2022** under **Sections 376AB** of the Indian Penal Code read with **Section 6** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

In the matter of : XXXXXX.

...Petitioner.

Mr. Joydeep Biswas,
Mr. A. Sarkar,

...for the Petitioner.

Mr. Kunal Gangully,

...for the State.

Dictated by Arijit Banerjee, J.

1. Service report as well as status report filed by the State, be kept with the records.
2. The petitioner says that he is in custody for almost 3 years. Most of the prosecution witnesses have turned hostile including the parents of the victim girl. The victim girl also did not say anything in her deposition. He renews his prayer for bail which was lastly rejected on August 16, 2023.
3. Opposing the prayer, learned State counsel says that the last prosecution witness being the Investigating Officer of the accused has already been examined in chief. Only his cross-examination remains. Therefore, bail should not be granted, at this stage. He also relies on the medical report.
4. We have seen the depositions of the crucial witnesses. They have all turned hostile. The medical report is, prima facie, inconclusive.

5. In that view of the matter and considering the long period of detention of the petitioner, we are inclined to allow the prayer for bail.
6. Accordingly, we direct that the petitioner, namely, ~~XXXXXX~~ 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 POCSO Act), Chanchal, Malda subject to the condition that the petitioner shall remain within the jurisdiction of the concerned police station except for the purpose of attending Court proceedings and shall meet the O.C./I.C. of the concerned police station once in a fortnight, until further orders.
7. 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 in any manner whatsoever.
8. 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.
9. The application for bail is, accordingly, allowed.
10. 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.)