

43.
20-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 617 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Domkal Police Station Case No.627 of 2024 dated 16-09-2024 under Sections 69/62 BNS and Sections 8/12 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Masum Reza Biswas @ Masum Sk
.... Petitioner.

Mr. Sandip Chakraborty,
Mr. Kaustav Das
... For the Petitioner.

Mr. Arindam Sen,
Mr. Amanul Islam
... For the State.

Dictated by Apurba Sinha Ray, J.

1. Service report filed on behalf of the State is taken on record. In spite of service, nobody appears on behalf of the victim/defacto complainant.

2. Learned advocate for the petitioner submits that the petitioner is in custody for more than six months. Investigation is complete. There is no possibility of an early conclusion of the trial since there are 18 witnesses to be adduced by the prosecution. As the investigation is complete, he may be enlarged on bail on any condition.

3. Learned advocate for the State opposes the prayer for bail.

4. We have considered the materials on record and the Case Diary. It appears that investigation is complete and there are 18 charge sheet named witnesses. There is no

chance of an early conclusion of the trial. Furthermore, the victim has refused to undergo any medical examination.

5. Considering the fact that investigation is complete, there is no need for further detention of the present petitioner in the custody. The prayer of the petitioner for bail is, thus, allowed.

6. Accordingly, we direct that the petitioner, namely, **Masum Reza Biswas @ Masum Sk**, 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 learned Judge, Special Court under POCSO Act, Berhampore, Murshidabad. The petitioner shall appear before the learned 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 and shall not commit any cognizable offence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Domkal Police Station except for the purpose of attending the court proceedings and shall appear before the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station under whose jurisdiction he shall be residing while on bail, once in a week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, Domkal Police Station and the jurisdictional police station where he shall be residing while on bail, his current local address.

7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

8. The application for bail is, thus, **allowed**.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)