

25.03.2025
Item no. 33.
Court No.29.
AB
(Allowed)

CRM (DB) 654 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 Technocity Police Station Case No.170 of 2023 Dated 10.09.2023 under Sections 342/323/354/354B/365/506/34 of the Indian Penal Code read with Sections 6/17 of the POCSO Act

And

In the matter of : Vishwamitrajee Tiwari

@ Viswamitra Jee Tiwari @ Raja Tiwari

@ Biswamitra

.....Petitioner.

Mr. Sourav Chatterjee, Sr. Adv,

Mr. Avik Ghatak,

Mr. Vivala Sharm,

Mr. Akash Ghosh

.....for the Petitioner.

Mr. Madhusudan Sur, Id. APP

Mr. Dipankar Mahata

.....for the State.

Mr. Sukanta Chakraborty,

Mr. Anjan Chakraborty,

Mr. Anindya Halder,

Ms. Avantika Chakraborty,

Mr. Roumydip Sahafor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier on January 24, 2024, in CRM (DB) 210 of 2024, prior to framing of charge.
2. Charge has now been framed and witness action has started. Learned Advocate for the petitioner draws our attention to the deposition of the victim girl recorded before the learned Trial Court. The victim girl does not implicate this petitioner. Instead, prima facie, she says good things about the petitioner. The victim girl has been declared hostile by the prosecution.

3. The petitioner is in custody for more than one year and six months. Since the victim girl has turned hostile and considering the period of detention of the petitioner, in spite of objection raised by learned State Advocate and learned Advocate for the defacto complainant, we are inclined to allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely **VISHWAMITRAJEE TIWARI @ VISWAMITRA JEE TIWARI @ RAJA TIWARI @ BISWAMITRA** 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 remain within the jurisdiction of North 24 Parganas district and shall meet the Officer in charge/Inspector in charge of Barasat Police Station twice every week until further orders.
5. 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.
6. 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.

7. The application for bail is, accordingly, allowed.
8. 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.)