

28.03.2025  
Item no.55.  
Court No.29.  
S. De  
(Allowed)

**CRM (DB) No. 705 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 **Cyber Crime P.S. Case No. 46 of 2022** dated **11.10.2022** under **Sections 376/500/509/506 of the Indian Penal Code, read with Section 66E/67A of the Information Technology Act.**

And

**In the matter of : Md. Nasiruddin.** ...Petitioner.

Mr. Tapodip Gupta,

Mr. Suman Bhanja, .....for the Petitioner.

Mr. Joydeep Roy,

Mr. Raju Mondal, ...for the State.

Mr. Niladri Sekhar Ghosh,

Ms. Laboni Sikder,

Mr. S. Dey ...for the de facto complainant.

**Dictated by Arijit Banerjee, J.**

1. The petitioner says that he is in custody for more than 2 years and 3 months. Only 2 out of 20 chargesheet named witnesses have been examined. The victim girl has turned hostile. He prays for bail.
2. Learned advocates for the State and the de facto complainant oppose the bail prayer. They say that there is sufficient incriminating evidence against the petitioner. The charge is serious.
3. We see from the deposition of the victim girl that, indeed, she has been declared hostile as a witness. This has made a significant dent in the prosecution case.
4. In view of the above and also considering the period of detention of the petitioner and there being no possibility of an early

conclusion of the trial, we are inclined to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Md. Nasiruddin** 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 Additional District and Sessions Judge, 1<sup>st</sup> Court, Malda, subject to the condition that the petitioner shall remain within the jurisdiction of the concerned police station and shall meet the Inspector-in-Charge of the concerned police station once in a fortnight 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 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.

**(Apurba Sinha Ray, J.)**

**(Arijit Banerjee, J.)**