

13.11.2025

Court No.35.

D/L. 34.

Kausik

(Allowed)

CRM (M) 1857 of 2025

In Re: An Application for bail under section 439 (1)(b) of the Code of Criminal Procedure 1973/Section 483 (1) (b) of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Barasat Police Station Case No. 213 of 2024 dated 07.04.2024 under Sections 376(AB) of the Indian Penal Code, 1860 read with Section 4 of the POCSO Act, 2012.

And

In the matter of : Nitai Dhali

.....Petitioner.

Mr. Sandip Chakraborty

Mr. Koustav Das

Mr. Tirthankar Das

.....for the Petitioner.

Mr. Saibal Bapuli, Ld. Adl PP

Mr. Nirupam Dhali

....for the State.

Learned advocate for the petitioner submits that the petitioner is in custody for 1 year 7 months and out of 12 witnesses proposed to be examined by the prosecution, 3 witnesses have been examined.

Learned advocate for the petitioner has also handed over a Photostat copy of the evidence of the defacto-complainant/father of the victim girl.

Learned advocate for the State has opposed the prayer for bail, produced the case diary and drawn the attention of the Court to the statement of the witnesses including the evidence of the victim girl.

I have considered the period of detention of the petitioner and the evidence of the defacto-complainant. Having

regard to the period in custody undergone by the petitioner, I am of the opinion further detention is unwarranted.

As such the prayer for bail of the petitioner is allowed.

Petitioner, namely **Nitai Dhali**, shall furnish bond of Rs. 20,000/- (Twenty Thousand Only) with two sureties of Rs. 10,000/- (Rupees Ten Thousand Only) each. One of whom must be local to the satisfaction of the learned Special Judge (POCSO) Court, Barasat.

If on bail, the petitioner shall be physically present on each and every date fixed by the learned Trial Court and shall not leave the jurisdiction of the District of 24 Parganas, North without informing the learned Special Court.

The learned Special Court, if it is of the opinion that, certain more conditions are required to be imposed for the purposes of ensuring the presence of petitioner during trial, the learned Special Court would be at liberty to impose the same by exercising his discretion.

Accordingly, CRM (M) 1857 of 2025 is allowed.

Photostat copy of the evidence of PW 2 submitted by the petitioner and the report submitted by the State be kept with the record.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)