

38. 12.02.2025.
Court
No.26 (Pritam)
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 3641 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Cyber Crime Bongaon** Police Station Case No.**14/2022** dated **10.12.2022** under Sections **376/384** of the IPC, 1860 and Sections **66E/67/67A** of the Information Technology Act, 2000.

And

In the matter of: - **Sourav Biswas.**

...petitioner.

Mr. Apalak Basu,
Ms. Sanghamitra Mridha,
Mr. Arnab Mukherjee

...for the petitioner.

Mr. Bitasak Banerjee,
Mr. Nazmul Touhid

...for the State.

1. Petitioner renews his prayer for bail.
2. Learned advocate appearing for the petitioner submits that, the petitioner is in custody for about two years. He submits that there is hardly any possibility of the trial ending anytime soon. He submits that, the victim failed to turn up at least on five occasions before the trial to depose. Thereafter, subsequent to the victim being examined in chief on behalf of the prosecution, she failed to turn up for the cross-examination.
3. Learned advocate for the petitioner submits that, initially a police case was registered as a magistrate triable case and

thereafter certain sections of the Indian Penal Code were added so as to make it a sessions trial. He submits that, there was a consensual relationship between the petitioner and the victim. He points out that both the private parties are adults. Petitioner was falsely implicated.

4. Learned advocate for the State draws the attention to the materials on record in the case diary. He submits that, the petitioner used a fake profile in a social media platform and lured the victim into a relationship. He refers to the deposition of the victim recorded at the trial.
5. Primarily, the case as against the petitioner is one of rape.
6. The victim deposed as the prosecution witness no.1 at the trial. The victim is yet to be cross-examined in full.
7. Records made available to courts suggest that the prosecution was unable to produce the victim for adducing evidence on several dates. Records also suggest that the victim did not present herself for cross-examination at least once before the learned trial court.
8. Considering the nature of the allegations as against the petitioner and the position of the trial as it stands today and the fact that the victim was examined in full and considering the period of custody of the petitioner, we grant bail to the petitioner.
9. Accordingly, we **allow** the petitioner's prayer for bail.

10. Accordingly, we direct that the petitioner, namely, **Sourav Biswas** 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 *Additional District & Sessions Judge, First Track -II, Bongaon, North 24 Parganas*. The petitioner shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
11. 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.
12. The application for bail being CRM (DB) 3641 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)