

25.
07-02-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3958 of 2024

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 Dholahat Police Station Case No.389 of 2021 dated 05-10-2021 under Section 376AB of the Indian Penal Code, Sections 66, 67 of the Bharatiya Naya Sanhita, 2023 and Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Debprasad Bag @ Suman

.... Petitioner.

Mr. Asraf Mondal,
Mr. Gobinda Ch. Baidya,
Mr. Pravassh Mondal

... For the Petitioner.

Ms. Minoti Gomes,
Mr. Soumik Ganguly,
Mr. S. Nandy

... For the State.

Dictated by Apurba Sinha Ray, J.

1. Report filed by the State is taken on record.
2. The petitioner claims that he has been languishing in the judicial custody for about 3 years 3 months. He has been falsely implicated in this case. The cross-examination of the victim girl would show that the present petitioner has been framed. Considering his period of detention, he may be

enlarged on bail on any condition, since there is no chance of an early conclusion of the trial.

3. Learned advocate for the State opposes the prayer for bail. According to him, there are sufficient incriminating materials against the present petitioner.

4. We have considered the deposition of the victim girl and also the other materials on record. We have also considered the medical report of the victim girl. We also see that there is no chance of an early conclusion of the trial.

5. In view of the above, we are inclined to allow the prayer of the petitioner for bail.

6. Accordingly, we direct that the petitioner, namely, **Debprasad Bag @ Suman**, 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 Sessions Judge, 1st Court & Special Court under POCSO Act, Kakdwip, South 24 Parganas. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Dholahat 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 once in a week where he shall be residing while on bail, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, Dholahat Police Station and the jurisdictional police station under

whose jurisdiction 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.)