

27.01.2025
Item no. 55.
Court No.29.
AB
(Allowed)

CRM (DB) 4158 of 2024

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 Jagaddal Police Station Case No.319 of 2024 Dated 6.9.2024 under Section 4 of the POCSO Act

And

In the matter of : Samir Ghosh

.....Petitioner.

Mr. Debasish Kar,
Mr. Arka Tilak Bhadrafor the Petitioner.

Mr. Sardar Shahin Imam,
Mr. Sujay Sarkarfor the State.

Dictated by Arijit Banerjee, J.

1. Affidavit of Service filed in Court today, be kept with the records. In spite of service, nobody appears for the defacto complainant/victim girl.
2. The petitioner says that he has been falsely implicated because of neighbourly disputes. He is in custody for 150 days. Investigation is complete. His further custodial detention is not necessary.
3. Opposing the prayer for bail, learned State Counsel draws our attention to the statement of the victim girl recorded under Section 183 B.N.S.S. 2023. Although we cannot say that there is no incriminating material against the petitioner, the medical report does not support the prosecution case. Investigation is complete.

Charge sheet has been submitted. The petitioner is in custody for 150 days.

4. On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely **SAMIR GHOSH** 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 Barrackpore, and on further conditions that he shall remain within the jurisdiction of the Titagarh Police Station and shall report to the Officer-in-Charge of the Titagarh Police Station once a week 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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)