

25.
05-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 235 of 2025

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 Sankrail Police Station Case No.1204 of 2021 dated 04-10-2021 under Section 376(2)(n) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Bidyut Roy @ Bubai Roy

.... Petitioner.

Mr. Sk Toslim Ali

... For the Petitioner.

Mr. Rana Mukherjee, learned APP

... For the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State is taken on record.
2. Service report filed by the State is also kept with the records. In spite of service, none appears on behalf of the defacto complainant/victim.
3. The petitioner is in custody for 3 years 5 months. The State says that 5 more witnesses will be examined.
4. We have seen the deposition of the victim girl as also the deposition of the doctor who had examined the victim girl after the alleged incident of rape. The medical report and the deposition of the examining doctor *prima facie* do not support the prosecution case.
5. In view of the aforesaid, keeping in mind the prolonged detention of the petitioner and also because

vulnerable witnesses have all been examined and there is little possibility of the trial concluding on an early date, we are inclined to allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Bidyut Roy @ Bubai Roy**, 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, 2nd Court (Special Court under POCSO Act) at Howrah. The petitioner shall appear before the learned 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 and shall not commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)