

21.02.2025
Item No.39
Court No.26
S.D.
(Bail granted)

CRM (DB) 4369 of 2024

In re: An Application for **Bail** under Section 439 of the Code of Criminal Procedure, 1973/section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bakultala** Police Station Case No. **472** of **2023** dated **16.12.2023** under Sections **363/365** of the Indian Penal Code and adding Sections **376(3)/376(2)(f)/376(2)(n)** and Section **06** of the Protection of Children From Sexual Offences Act 2012.

-And-

In the matter of : Joy Prosad Bose alias Joy

... ... Petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

... ... For the Petitioner

Ms. Rituparna De Ghose

Mr. Dipankar Mahata

... ...For the State

Mr. Sujoy Sarkar

...For the Defacto Complainant

Petitioner is in custody in excess of 1 year and 2 months.

Police filed charge sheet.

Victim was slightly in excess of 17 years at the time of incident. She was pregnant. DNA profiling of the foetus which was removed from the victim suggests that the petitioner before us is the father.

Considering the fact that police filed charge sheet and given the materials on record, need for custodial trial of the petitioner is not felt.

In such circumstances, we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Chief Judicial Magistrate, South 24-Parganas** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

C.R.M.(DB) 4369 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)