

18.06.2019.
Item No.21
(Allowed)
Ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 388 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.04.2019 in connection with Samuktala P.S. Case No. 214 of 2018 dated 15.09.2018 for committing offence punishable under Sections 376(3)/120B of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012;

And

In the matter of : Sudip Debnath.

... petitioner.

Mr. Arijit Ghosh.

...For the petitioner.

Mr. Sourav Ganguly,
Mr. Biswarup Roy.

...For the State.

Heard the learned Advocates appearing on behalf of the parties. Perused the case papers.

The petitioner is apprehended in connection with Special Case No. 76 of 2018 arising out of Samuktala P.S. Case No. 214 of 2018 dated 15.09.2018 for committing offence punishable under Sections 376(3)/120B of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

The petitioner is in custody for more than 242 days. The other co-accused has been granted anticipatory bail.

After perusing the statement of the victim girl and the other statement recorded under Section 161 of the Criminal Procedure Code as well as the medical report from the case diary and the fact that the charge-sheet has already been submitted, we feel that the custodial interrogation of the petitioner is not necessary.

The petitioner is, therefore, entitled to bail.

The petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of Rs 5,000/-, one of whom must be local, to the satisfaction of learned Judge, Special Court (POCSO), Alipurduar, subject to the condition that the petitioner shall secure his presence on each day when the case is posted before the POCSO Court.

The application for bail being CRM 388 of 2019 is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)

