

05.11.2020
Court No.16
Item No. 08
rpan

CRM 8628 of 2020
(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.10.2020 in connection with Sadar Police Station Case no.171 of 2019 dated 11.09.2019 under Sections 354/376/511 of the Indian Penal Code. (G. R. Case no.348 of 2019);

And

In Re: **Jitesh Ojha**

....Petitioner.

Mr. Rajdeep Majumdar,
Mr. Rohit Agarwal

... for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom,
Mr. Biswarup Roy

...for the State.

Ms. Tara Narula

... for the de facto complainant.

The petitioner undertakes to affirm and stamp the petition as per Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner says that a completely false and utterly belated charge has been levelled against the petitioner.

The de facto complainant is represented. According to the complainant, other former students of the petitioning teacher have come forward to give statements suggesting that the petitioner may be a habitual offender. The charge is of sexual exploitation of the complainant when the complainant was a minor.

Considering the delay in lodging the complaint, the petitioner is entitled to bail, subject to the investigation being completed and

appropriate material being discovered. However, the petitioner should not engage in conducting classes in the physical mode till the trial is completed, if charges are pressed; or till a final report is filed without any charges being brought. Till such time, the petitioner will also not leave the State without the previous permission of the investigating officer or the relevant criminal court, as the case may be. It is recorded that the petitioner is ordinarily a resident of Darjeeling town. The petitioner should not change his place of residence without prior intimation to advocate for the complainant and the officer-in-charge of the police station within whose jurisdiction the petitioner now resides.

Subject to the above, the petitioner will be enlarged on bail upon furnishing security 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 appropriate Court in Darjeeling. The petitioner will cooperate with the investigation and will report to the investigating officer as and when called, till the investigation is completed. If charges are brought against the petitioner, the petitioner must attend every date fixed for trial and, in the event of any unexplained absence, the trial court will be entitled to cancel the bail without reference to this Court.

CRM 8628 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)