

14.12.2020.
67.
as
(Allowed).

C.R.M. 10325 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kurseong P. S. Case No.55 of 2019 dated 22.03.2019 under Section 363 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Arpan Rai (23).

... Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Ranjit Singh.

...for the Petitioner.

Mr. N. Ahmed, Id. A.P.P.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that he is in custody for over 600 days. It is contended that the statements of the vulnerable witnesses have already been examined.

Learned Advocate appearing for the State opposes the prayer for bail.

Evidence of the vulnerable witnesses may be assessed in the light of the other attending facts and circumstances of the case at the appropriate stage of the proceeding. However, in view of the protracted period of detention suffered by the petitioner and as the vulnerable witnesses have already been examined, we are inclined in granting bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the learned

Additional Chief Judicial Magistrate, Kurseong, Darjeeling subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of Kurseong Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application, being CRM 10325 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)