

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

(Via Video Conference)

**CRM 47 of 2021
IA No: CRAN 1 of 2021**

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Special (POCSO) Case No.11 of 2018 arose out of Bhaktinagar Police Station Case No. 52 of 2018 dated 26.01.2018 under Sections 302/201 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

And

In Re : Surajit Sarkar @ Pintu

... petitioner.

Mr. Milon Mukherjee

... for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Sagnik Sankar Sikdar

... for the State.

Leave is granted to the learned advocate for the petitioner to amend the cause title during the course of the day.

Learned senior counsel appearing for the petitioner submits that the petitioner is already in custody for more than three years and one of the charges, which could pertain to him at best, relates to Section 6 of the POCSO Act, 2012.

It is submitted that the evidence of the concerned Doctor merely suggests that the petitioner is not incapable of sexual intercourse; however, no medical report of the examination of the victim, as provided in Section 27 of the 2012 Act, has yet been

produced. Even a perusal of the case diary indicates that there is no such report regarding any medical examination of the victim child. As such, we deem it fit to grant bail to the petitioner.

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

CRM 47 of 2021 along with CRAN 1 of 2021 is disposed of by granting bail to the petitioner on condition that he furnishes a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the Designated Special Judge under the POCSO Act, Jalpaiguri and shall not leave the jurisdiction of the trial court and attend trial on all dates throughout the trial.

Moreover, the petitioner shall not make, directly or indirectly, any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to any Police Officer and/or the court and/or tamper with the evidence.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda J.)