

20.04.2021
RP/ct 1
sl no. 17
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

C.R.M. 399 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure, 1973 filed on 19.03.2021 in connection with Jaigaon PS Case No.131 of 2019 dated 13.07.2019 under section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Sri Akash Turi petitioner

Mr. Sourav Ganguly
Mr. Kallol Nag
Mr. Kalipada Das

..... for petitioner

Mr. Arun Kumar Sarkar
Mr. Tapan Bhattacharjee

.....for State

Mr. Ganguly, learned advocate appears on behalf of petitioner submits that the petitioner is in custody since 13.07.2019 and has been falsely implicated in the instant case as he protested against the victim's relationship with a boy. Charge-sheet has been submitted and his further detention is not required.

Learned advocate appearing on behalf of State opposes the prayer for bail and refers to the statement of the victim under Section 164 CrPC as well as her medical report.

It appears from the medical report that forensic evidence was handed over for examination on 13.07.2019 and charge-sheet was submitted on 10.09.2019 without collecting forensic report.

The petitioner, being the step-father of the victim, family dispute between them cannot be ruled out. Considering that petitioner is in custody for a considerable period of time and investigation is complete, we are of the opinion that further

detention of the petitioner is not required. Accordingly prayer for bail is granted subject to certain conditions.

In view of the above, 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 Additional Sessions Judge (Special Judge) at Alipurduar on conditions that the petitioner shall not enter into the jurisdiction of Jaigaon Police Station except for attending the Court proceeding and shall furnish his present alternative residential address to the Officer-in-Charge of the relevant police station.

In the event the petitioner does not comply with the conditions as stipulated above, the court below shall be at liberty to cancel the bail without any further reference to this Court.

CRM 399 of 2021 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J)