

**In The Circuit Bench At Jalpaiguri**  
**(Via Video Conference)**  
**CRM 855 of 2021**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dinhata Police Station** Case No. **151 of 2020** dated **06.05.2020** under Sections **363/365** of the Indian Penal Code and Sections 6/17 of the POCSO Act.  
- A n d -

**In the matter of : Sunny @ Sonu Das**

.... Petitioner.

Mr. Surajit Basu,

... For the Petitioner.

Mr. Ujjal Luksom,

... For the State.

The petitioner is in custody for about 475 days and prays for bail.

It is submitted on behalf of the petitioner that he has been falsely implicated and the medical report of the victim girl does not support the allegations made against him. Charge sheet has been submitted. Further detention of the petitioner is not necessary.

The State opposes the prayer for bail and refers to the memo of evidence including the statement of the victim girl recorded under Section 164 of the Code and the injury report of the victim.

It, *prima facie*, appears that the injury report of the victim does not support the allegations made against the petitioner. Charge sheet has been submitted. The petitioner is in custody for a considerable period of time. No fruitful

purpose shall be served by keeping the petitioner in custody any further. Having considered the material in the case diary, the facts and circumstances of the case as well as period of detention of the petitioner, we are inclined to allow the prayer of the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Dinhata and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**( Suvra Ghosh, J. )**

**( Arijit Banerjee, J. )**