

24.12.2021
Court No.01
Item No. 17

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

sg

**CRM 1070 of 2021
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajganj Police Station Case No. 237 of 2021 dated 04.07.2021 under Sections 363/365 of the Indian Penal Code and adding Section 4 of the POCSO Act.

And

In Re: **Biraj Sarkar @ Kala @ Birat**

Petitioner

Mr. Jaydeep Kanta Bhowmik

For the Petitioner

Mr. Nilay Chakrabarty
Mr. Tapan Bhattacharya

For the State

Considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and also having regard to the fact that the petitioner is in custody since 3rd July, 2021 and in view of the fact that the charge-sheet has already been filed, we are of the view that further incarceration of the petitioner is not required and the petitioner may be enlarged on bail.

We direct that the petitioner, namely, Biraj Srakar @ Kala @ Birat shall be released on bail upon furnishing a bond of Rs.5000/-, with two sureties of like amount each, to the satisfaction of the learned Additional Sessions Judge, 2nd Court, Jalpaiguri on condition that the petitioner shall comply with the provision of Section 437(3) of the Code of Criminal Procedure and the petitioner shall appear before the learned trial court on each and every date till the conclusion of trial.

The application for bail of the petitioner is allowed. CRM 1070 of 2021 is accordingly, disposed of.

Photostat plain copy of this order duly counter-signed by the Assistant Registrar (Court) be given to the parties on usual undertaking.

(Biswajit Basu, J)

(Soumen Sen, J)