

06.01.2022
Item no.46.
Court No.1.
AB
(Allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM (DB) 1 of 2022

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Jalpaiguri Women Police Station Case No.52 of 2021 Dated 5.5.2021 under Section 6 of the POCSO Act read with Section 376DA of the IPC

And

In the matter of: Ranjan Roy @ Dipu Roy

.....Petitioner.

Mr. Sudip Guhafor the Petitioner.

Mr. Abhijit Sarkar,
Mr. Biswaroop Royfor the State.

The allegation is that the petitioner and two other persons raped the victim girl, who was at that time about 16 years old.

The petitioner says that he has absolutely no connection with the alleged offence. He has been in custody for 240 days. Charge sheet has been submitted. No useful purpose will be served by keeping him in custody any further.

The State strongly opposes the prayer for bail.

We have seen the material in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. Although she says that she was forcibly violated by the accused persons, the medical report does

not corroborate her statement in any manner. There are no external signs of injury. The examining doctor has opined that it is not possible to say whether she was sexually assaulted. The petitioner has been in custody for quite some time. Investigation is complete. We are inclined to enlarge the petitioner on bail, but on stringent conditions.

Accordingly, we direct that the petitioner, namely, Ranjan Roy @ Dipu Roy 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 Judge, Special Court under the POCSO Act, 2nd Court at Jalpaiguri and/or the relevant Court in Charge thereof, and on further conditions that the petitioner shall not enter the jurisdiction of Kotwali Police Station except for attending Court proceedings and shall provide the address where he shall presently reside to the Officer-in-Charge of the concerned police station. The petitioner shall also meet 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.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)