

14.01.2022
Item no.15.
Court No.01.
S. De
(Allowed)

(Via Video Conference)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (DB) No. 19 of 2022

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 11.01.2022 in connection with New Jalpaiguri Police Station Case No. 784 of 2017 dated 25.09.2017 under Section 6 of the Protection of Children from Sexual Offences (POCSO) Act.

And

In the matter of : Biplob Paramanik @ Biplob Pramanik

.....Petitioner.

Mr. Moyukh Mukherjee,
Mr. Sabir Ali,

.....for the Petitioner.

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

In the complaint, the victim girl who was about 17 years old at the time of the alleged incident, stated that she had been raped continuously for over a period of three years by her step-father. The case was started on September 25, 2017.

The petitioner says that he has been framed. He is not involved in the alleged offence at all. He is in custody for over four years. Only the victim girl has been examined. Fourteen other witnesses remain to be examined. It is anybody's guess as to when the trial will be concluded. He prays for bail.

The State opposes the prayer for bail.

We have considered the facts and circumstances of the case and the material on record. On assessment of the material in the case diary, we are of the view that it cannot be said that the petitioner has absolutely no chance of being acquitted. He has already spent more than four years in custody. We also see that the trial is unlikely to be completed in the near future. Accordingly, we are inclined to allow the petitioner's prayer for bail but on stringent conditions.

Accordingly, we direct that the petitioner namely **Biplob Paramanik @ Biplob Pramanik** 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 Ld. Additional Sessions Judge, (under POCSO Act,2012), 2nd Court, Jalpaiguri, and on further conditions that the petitioner shall not enter the jurisdiction of New Jalpaiguri 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.

The application for bail is, accordingly, allowed.

C.R.M. (DB) No.19 of 2022 is disposed of.

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.)