

14.01.2022
Item no.16.
Court No.01.
S. De
(Allowed)

(Via Video Conference)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (DB) No. 21 of 2022

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 13.01.2022 in connection with Banarhat Police Station Case No. 177 of 2017 dated 17.07.2017 under Section 4 of the Protection of Children from Sexual Offences (POCSO) Act.

And

In the matter of : Rajesh Chhetri.

.....Petitioner.

Mr. Jaydeep Kanta Bhowmik,
.....for the Petitioner.

Mr. Abhijit Sarkar,
Mr. Sagnik Sankar Sikdarfor the State.

The charge is under Section 4 of the Protection of Children from Sexual offences (POCSO) Act.

The petitioner says that he has been framed. He has no involvement in the alleged offence. He is in custody since July 17, 2017 i.e. for about four and half years. There has been no significant progress in the trial. He prays for bail.

We have considered the material in the case diary. The Medical Report prima facie does not support the charge. The petitioner is in custody for a very long period of time. Nobody can guess when the trial is going to conclude.

The State opposes the prayer for bail.

On an overall assessment of the facts and circumstances of the case and the possible extent of complicity of the petitioner in the alleged offence, we are inclined to allow the petitioner's prayer for bail but on stringent conditions.

Accordingly, we direct that the petitioner namely **Rajesh Chhetri** 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 POCSO Act, 2012), Jalpaiguri, and on further conditions that he shall remain within the jurisdiction of the concerned police station and he 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.

C.R.M. (DB) No.21 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.)