

30.05.2022.

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f.b./s.b.

Allowed

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

C.R.M. (DB) 182 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26th May, 2022 in connection with New Jalpaiguri Police Station Case No. 427 of 2019 dated 5th June, 2019 under section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
and

In the matter of: Birju Gupta.petitioner

Ms. Madhushri Dutta,
Mr. Debasish Mukhopadhyay
...For the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy
...For the State.

It is submitted on behalf of the petitioner that he is in custody for about 20 days and he is not the principal accused. The allegation against the petitioner is that he introduced the principal accused to the victim girl, who is a minor. After having introduced the victim girl, the principal accused allegedly took the victim girl to a hotel at New Jalpaiguri to meet with his parents and forcibly raped the victim girl. The principal accused has been enlarged on bail on 22nd March, 2021.

Having considered the materials in the Case Diary and keeping in mind the extent of the petitioner's involvement as alleged and that the principal accused has

been enlarged on bail more than a year ago, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely, Birju Gupta, be enlarged on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Special Court under POCSO Act at Jalpaiguri, subject to the condition that during bail the petitioner shall appear before the learned trial Court regularly till disposal of the trial and the petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever. In the event, the petitioner fails to comply with the conditions enshrined hereinabove, it is open to the trial Court to cancel the bail without any further reference to this Court.

The application for bail, being CRM (DB) 182 of 2022 is, thus, **allowed**.

All parties to act on the server copy of this order duly downloaded from the official website of this Court.

The Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Subhendu Samanta, J.)

(Arindam Mukherjee, J.)