

17.06.2022
07
Ct. No. 01
KAUSHIK
Allowed

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

C.R.M. (DB) 191 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sitai** Police Station Case No. **44** of **2022** dated **25.03.2022** under Sections 363/365 of the Indian Penal Code, 1860 and added Section 8 of the Protection of Children from Sexual Offences Act.

And

In Re : Laju Miah

..... petitioner

Mr. Sudip Guha

.....for the petitioner

Mr. Kallol Acharjee

Mr. Biswarup Roy

....for the State

Petitioner prays for bail on the ground of default in filing of charge-sheet within the statutory period.

Learned advocate appearing for the petitioner submits that, the petitioner surrendered on March 29, 2022. Therefore, 60 days from March 30, 2022 will be May 28, 2022. The petitioner applied for bail on May 30, 2022. The police filed charge-sheet on May 31, 2022. Consequently, since the charge-sheet was filed subsequent to the expiry of the statutory time, and since the application for bail was filed immediately on expiry of the statutory period of filing the charge-sheet and before the charge-sheet being filed, the petitioner is entitled to statutory bail.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

It appears from the records made available to Court that petitioner surrendered on March 29, 2022. The time period to file charge-sheet expired on May 28, 2022. Charge-sheet was filed on May 31, 2022. In the interregnum, the petitioner applied for statutory bail on May 30, 2022 on such right accruing to the petitioner.

We are of the view, the petitioner is entitled to statutory bail. The application for bail filed on May 30, 2022 was erroneously rejected by the Jurisdictional Court. We, therefore, enlarge the petitioner on statutory bail.

Accordingly, we direct that the petitioner 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 (POCSO)-cum-Additional District and Sessions Judge, Dinhat, Coochbehar**, subject to the condition that 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 appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

