

08.07.2022.

Item No. 15

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 217 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 04.07.2022 in connection with Jalpaiguri Women Police Station Case No. 78 of 2017 dated 25.06.2017 under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Meghnath Baag @ Kalu Baag**. ...petitioner

Mr. Kallol Ghosh,
Mr. Sandip Guha Roy. ...For the petitioner

Mr. Arun Kumar Sarkar,
Mr. Sagnik Sankar Sikdar.For the State

Bail is sought in the instant case after the trial has commenced and PW-1 and PW-2 have been examined and the incident occurred in the year 2017.

The victim girl is a blind since birth. There is some dispute raised with regard to the age of the victim. In the First Information Report she is stated to be 15 years old. The actual birth certificate has not been seized and surprisingly so.

Counsel for the State vehemently opposes the prayer for bail.

In view of the facts as aforesaid and considering the fact that the petitioner is in custody for about four years and five months and trial last having occurred in 2019 and may have been stalled by reason of the intervening

COVID-19, this Court is of the view that the petitioner may be enlarged on bail. The prayer for bail of the petitioner is allowed.

Let the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under POCSO Act) 2nd Court, Jalpaiguri.

It is further directed that the all other conditions provided under Section 437(3) of the Code of Criminal Procedure shall be complied with by the petitioner.

It is further directed that after released, the petitioner shall attend the jurisdictional Court when the matter is fixed for hearing unless he is prevented by any reason beyond his control.

We make it clear that if the petitioner fails to make himself available before the Trial Court, the Trial Court shall have the liberty to cancel the bail granted to the petitioner and take him into custody without any further reference to this Court.

C.R.M. (DB) No. 217 of 2022 is, thus, disposed of.

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

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)

