

03.01.2022
Item no.26.
Court No.01.
S. De
(Allowed)

(Via Video Conference)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM No. 1203 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 17.12.2021 in connection with Falakata Police station Case No. 325 of 2021 dated 05.07.2021 under Sections 363/365/366 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.
And

In the matter of : Babulal Roy Petitioner.

Mr. Kallal Ghosh,

.....for the Petitioner.

Mr. Kallol Acharjee,

Mr. Sanik Sankar Sikdar for the State.

The petitioner says that the charges against him are false. He has no connection whatsoever with the alleged offence. He has been in custody for about 130 days. Chargesheet has been filed. His custodial detention is no more necessary. He is willing to abide by any condition that the Court may impose for grant of bail.

The charge is of kidnapping and subsequently, Section 6 of the POCSO Act was added.

We have seen the material in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. Prima facie, such statement does not appear to be very convincing.

On an overall assessment of the material on record including the Medical Report and given that chargesheet has already been submitted upon completion of investigation, we are of the view that further custodial detention of the petitioner may not be necessary.

Accordingly, we direct that the petitioner, namely Babulal Roy 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 Special Judge under the POCSO Act at Alipurduar 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 and/or commit any cognizable offence 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.

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.)