

D/L. 48
February 3, 2023
MNS

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

CRM (DB) 10 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.01.2023 in connection with Jalpaiguri Woman Police Station Case No. 25 of 2022 dated 25.04.2022 under Sections 376, 511, 323 and 506 of the Indian Penal Code read with Sections 4 and 18 of POCSO Act, 2012.

And

In the matter of: Jash Roy @ Jash @ Jaga @ Jagaram Roy
.... Petitioner

Mr. Kunaljit Bhattacharya,
Mr. Alok Sah,
Mr. Salok Sah

... for the petitioner

Mr. Abhijit Sarkar,
Mr. S. S. Sikdar

... for the State

Prolonged detention of the accused person is the principal ground on which the petitioner has prayed for bail in this case.

Record reveals that, on two earlier occasions, the Court of the learned Sessions Judge had rejected the petitioner's bail prayer.

The learned counsel for the State opposes the prayer for bail.

Be that as it may, in view of the long period of detention and the fact that the investigation has already been completed, the petitioner can be enlarged on bail. However, this court is not oblivious to the gravity of the offence alleged against the petitioner, which

prompts this Court to impose certain stringent conditions while releasing the accused person on bail.

Accordingly, CRM (DB) 10 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes 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, Jalpaiguri.

It is also directed that after release, the petitioner shall not enter into the jurisdiction of the police station where the victim permanently resides, excepting the dates to appear in the trial court. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioner shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)