

D/L. 53
February 3, 2023
MNS

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

CRM (DB) 28 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.01.2023 in connection with Sitalkuchi Police Station Case No. 43 of 2018 dated 17.02.2018 under Sections 4/17 of Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Raju Miah

.... Petitioner

Mr. Sudipa Guha

... for the petitioner

Mr. A. S. Chakraborty,
Mr. kallol Nag

... for the State

The petitioner has made out a prima facie case for grant of bail inasmuch as the petitioner is in custody for a period of about six months and that the petitioner is about 20 years of age. The charge-sheet has already been filed.

Learned counsel for the State opposes the prayer for bail and places reliance on the medical report as well as the statement of the victim girl under Section 164 of the Code of Criminal Procedure. It transpires from the medical report that the hymen of the victim was ruptured. However there was no sign by which it can be said that she was seriously assaulted.

Keeping in view the above circumstances and the fact that, in the present case, upon a complete perusal of the statement under

Section 164 of the Code of Criminal Procedure, the allegation of prior relationship cannot be entirely ruled out, we are inclined to grant bail to the petitioner.

Accordingly, CRM (DB) 28 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.5,000/-, 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, Mathabhanga.

The petitioner, moreover, shall attend the trial on each and every date and for such limited purpose he shall be entitled to enter into the jurisdiction of the police station where the victim resides, if necessary.

However, otherwise the petitioner shall not enter into the jurisdiction of the police station where the victim girl resides during the period of trial.

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.)