

D/L. 56
February 7, 2023
MNS

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

CRM (DB) 67 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.01.2023 in connection with New Jalpaiguri Police Station Case No. 922 of 2020 dated 01.08.2020 under Section 4 of the Protection of Children from Sexual Offences Act.

And

In the matter of: Baidya Chakraborty @ Baidya Chakraborty
.... Petitioner

Mr. Sandeep Dutta,
Mr. Tapabrata Ghosh

... for the petitioner

Mr. A. S. Chakraborty,
Mr. Biswarup Ray

... for the State

Learned counsel for the petitioner submits that the petitioner is in custody for 415 days and out of total 13 named witnesses, only three have been examined as yet. Moreover, the mother of the petitioner is in serious condition and suffering from serious ailments, medical papers regarding which have been annexed to the present petition.

Learned counsel for the State opposes the prayer for bail and submits that the statement under Section 164 of the Code of Criminal Procedure squarely clinches the case against the petitioner.

However, considering the period of custody and the stage of trial, we are inclined to grant bail to the petitioner.

Accordingly, CRM (DB) 67 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 at Jalpaiguri.

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.)