

D/L. 57
February 7, 2023
MNS

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

CRM (DB) 68 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2023 in connection with Police Case No. 11 of 2022 arising out of Jaldhaka Police Station Case No. 11 of 2022 dated 18.07.2022 under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Phurba Bhutia

.... Petitioner

Mr. Arjun Chowdhury,
Ms. Pratusa Dutta Chowdhury

... for the petitioner

Mr. A. S. Chakraborty,
Mr. Ujjwal Luksom,
Mr. S. S. Sikdar

... for the State

Learned counsel for the petitioner submits that the petitioner is in custody for about 75 days. It is submitted that the petitioner is agreeable to stringent conditions for the grant of bail. It is further submitted that the petitioner has all along cooperated with investigation and has voluntarily surrendered.

Learned counsel for the State opposes the prayer for bail and contends that the statement under Section 164 of the Code of Criminal Procedure indicts the petitioner.

Heard learned counsel for the parties.

Keeping in view that the charge-sheet has already been submitted, we are inclined to grant bail to the petitioner subject to the following conditions:.

CRM (DB) 68 of 2023 is allowed on condition that the petitioner furnishes bond of Rs.20,000/-, 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 Kalimpong.

The petitioner shall not enter the territorial jurisdiction of the police station within which the victim girl resides during the entire period of trial, apart from the dates on which the petitioner is required to attend the trial, which the petitioner shall attend on each and every date, and shall not intimidate the victim girl in any manner whatsoever.

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.)