

D/L. 53
February 9, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 98 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.02.2023 in connection with Kharibari Police Station Case No. 03 of 2021 dated 03.01.2021 under Section 376AB/506 of the Indian Penal Code, 1860 read with Section 06 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Ujjwal Sarkar

.... Petitioner

Mr. Swarup Das

... for the petitioner

Mr. A. S. Chakraborty,
Mr. S. S. Sikdar,
Ms. Namrata Das

... for the State

Learned counsel for the petitioner contends that petitioner is in custody for 767 days. Moreover, the complaint was lodged ten days after the alleged incident. As such, the petitioner prays for bail.

Learned counsel for the State vehemently opposes the prayer for bail on the ground that the petitioner is an alleged offender under Section 6 of the POCSO Act and the age of the victim at the relevant time was about 10 years. Moreover, the nature of the crime alleged was brutal and heinous, it is submitted.

Keeping on balance the safety of the victim with the period of incarceration of the petitioner, we are inclined to grant bail to the petitioner subject to certain conditions.

Accordingly, CRM (DB) 98 of 2023 is allowed, thereby granting bail to the petitioner 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 Siliguri.

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 purpose of attending the trial.

The petitioner 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 and or to the victim girl 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 and/or circulate any video of the victim.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)