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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (DB) 99 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 Kotowali Police Station Case No. 1231 of 2021 dated 17.12.2021 under Sections 363/365 of the Indian Penal Code read with Section 4 of the POCSO Act.

In the matter of : Satya Gopal Shil Sarma

... petitioner

Mr. Surajit Basu,
Mr. Ratan Chandra Roy

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Arjun Chowdhury

.....for the State

Mr. Hillol Saha Poddar

...for the defacto complainant

Learned counsel appearing for the petitioner submits that the petitioner is in custody for about 745 days now. That apart, it is submitted that the victim girl has already been examined.

Learned counsel appearing for the State as well as de facto complainant oppose the prayer for bail and submits that the nature of allegation against the petitioner was grave inasmuch as intoxication was applied on the victim girl and, thereafter, the offence was committed.

Considered the submissions of the parties.

In view of the long incarceration of the petitioner and considering the fact that the victim girl has already been examined and since the veracity of the offence is the subject-matter of trial, we are of the opinion that the petitioner ought to be granted bail.

Accordingly, CRM (DB) 99 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs. 10,000/- (Rupees Ten Thousand), 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), Cooch Behar. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and attend trial on each and every date. Moreover, the petitioner shall not enter into the concerned police station where the victim girl resides during the entire period of trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)