

31.03.2023

Sl. No.1
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 149 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.03.2023 in connection with Mekhliganj Police Station Case No.360 of 2022 dated 30.10.2022 under Sections 313/506/34 of the Indian Penal Code read with Sections 6/17 of the POCSO Act.

And

In Re: **Sushil Roy**

... .. Petitioner

Mr. Anirban Banerjee

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor

Mr. Ujjwal Luksom

Mr. Arjun Chowdhury

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 35 days. It is further submitted petitioner and co-accused had applied for pre-arrest bail. They were granted relief on 27.02.2023 in CRM (A) 99 of 2023. Unfortunately, a day earlier i.e. on 26.02.2023 petitioner came to be arrested. This was not brought to the notice of the Bench which dealt with the application for pre-arrest bail. Under such circumstances, he prays for bail.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Keeping in mind the aforesaid facts, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sushil Roy**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom

must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj, Cooch Behar subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)