

01.05.2023
KC (2)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(DB) 150 of 2023

In the Matter of : Jugesh Baraik

.... petitioner.

Mr. Joydeep Kanta Bhowmick,
Mr. Sayantan Bhowmik.....For the petitioner.

Mr. A.S. Chakraborty, Ld. A.P.P.,
Ms. Namrata Das.....For the State.

This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with F.I.R. No. 147 of 2022 dated 6th May, 2022 under Sections 376(2)(n)/506 of the Indian Penal Code read with Section 6 of the Pocso Act, 2012, corresponding to Sessions (Pocso) Case No. 63 of 2022 pending before the court of learned Additional Sessions Judge, 2nd Court, Jalpaiguri.

The accusation against the petitioner is of rape of a minor girl.

At the outset we enquired of learned counsel for the petitioner whether the notice of this application had been served on the opposite party.

He replied that an attempt was made to serve the application by registered post but the postal packet

containing the copy of the application and the notice was returned by the postal authority with remark “refused”.

We direct advocate on record for the petitioner to file an affidavit of service to this effect by 2nd May, 2023.

The facts are these:

Allegedly the offence was committed for more than one year up to December, 2022. That time the victim was just under 18 years of age. She attained majority in February, 2022.

On 6th May, 2022 a complaint was lodged by the victim with the police on the basis of which an F.I.R. was registered.

Investigation is complete. Charge sheet has been filed.

The petitioner is in custody for about one year.

There is no evidence to suggest that the petitioner would tamper with evidence or intimidate witnesses or flee from justice.

On the above facts and circumstances, we are minded to release the petitioner on bail on the following conditions:

The petitioner will be enlarged on bail upon furnishing a bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri on the following conditions:

1. The petitioner shall deposit his passport, if he has one, with the investigating officer,
2. He shall report before the said officer as and when summoned,
3. The petitioner shall not leave the limits of the District Jalpaiguri where he resides without informing the I.C.,
4. He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. The petitioner shall attend the court on each and every day of trial, in default, the court shall be at liberty to cancel the bail bond without any reference to this bench.

The application for bail [CRM (DB) 150 of 2023] is, accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)

