

08.05.2023
SSS (7)

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

C.R.M.(DB) 184 of 2023

In the Matter of : Manoranjan Sarkar @
Monoranjan Sarkar.

.... Petitioner.

Mr. Nilay Chakraborty,
Mr. Dhiman Sil

.....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. 357 of 2022 dated 10th June, 2022 under Sections 376(3)/506 of the Indian Penal Code, 1860 read with Section 6 of the Pocso Act, 2012 pending before the court of learned Judge, Special Court under POCSO Act (2nd Court) at, Jalpaiguri.

The accusation against the petitioner is inter alia of rape of a minor girl of 13 years of age. The accused is over 30 years. The incident occurred on 10th June, 2022. The accused is in custody for about 317 days. Charge sheet was submitted on 31st July,

2022 and charges framed against the accused on 14th March, 2023. The case is fixed for commencement of trial from 14th June, 2023.

Since investigation is over and charge sheets submitted and charges framed, we do not think there is need of custodial trial. According to available records, there is no indication that the accused would interfere with witnesses or tamper with evidence or flee from justice.

Accordingly, we allow this application for bail on the following terms and 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. However, as an abundant caution we direct that the accused shall not enter the area under the jurisdiction of the Dhupguri P.S until further orders of the learned court below.
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) 184 of 2023] is, accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)

