

AD-10
Ct No.01
Jalpaiguri
22.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 213 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.05.2023 in connection with Phansidewa Police Station Case No. 253 of 2022 dated 24.05.2022 under Sections 4/17 of the POCSO Act.

And

In the matter of: BIPUL SINGHA

Mr. Hillol Saha Podder

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Sagnik Sankar Sikder

... for the State

1. Learned counsel appearing for the petitioner argues that the petitioner is in custody for 455 days. Learned counsel for the state vehemently opposes the prayer for bail and places reliance on the statement of the victim under Section 164 of the Criminal Procedure Code and submits that the gravity of the offence is serious.
2. Although the fact remains that the nature of the offence alleged against the petitioner is serious, we are of the opinion that since the petitioner still remains an under-trial and is in incarceration for 455 days, further custodial trial of the petitioner is not necessary.

3. Accordingly, CRM (DB) 213 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court POCSO Act, at Siliguri.
4. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
5. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case 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.
6. Also, the petitioner shall not make any attempt to contact or approach the victim girl in any manner throughout the period of the Trial.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)