

08.05.2023
cm (13)

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

C.R.M.(DB) 217 of 2023

In the Matter of : Sairul Bajigar @ Sairul Bazigar
.... petitioner.

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

Mr. Abhijit Sarkar
Mr. Sagnik Sankar Sikdar
.....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 Maynaguri Police Station Case No. 69 of 2023 dated 24th February, 2023 under Sections 363/365/506, of the Indian Penal Code, 1860 read with Section 6 of the POCSO Act, 2012 and 376(2)(n) of the Indian Penal Code corresponding to POCSO Case No. 16 of 2023 pending before the court of learned Additional Session Judge Court, 2nd Court, Jalpaiguri.

This application is entertained on the prayer of the learned advocate for the petitioner to file the affidavit-of-service showing service of cause papers on the victim in the course of today.

The allegation against the petitioner, who is 19 years of age, is of sexual assault and rape of a minor girl aged about 16 years. The petitioner asserts that there is allegation by the victim in her statement under Section 164 of the Code of Criminal Procedure that she and the accused had a relationship.

We are informed that the petitioner would be entitled to statutory bail if the charge-sheet is not filed by 21st May, 2023.

In case the charge-sheet is filed by that date, on the above facts and circumstances the petitioner shall be enlarged on 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 once a week,
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.

If the charge-sheet is not filed within the statutory period i.e. 21st May, 2023 the petitioner may avail of the remedy of statutory bail in accordance with law.

The application for bail [CRM (DB) 217 of 2023] is, accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)

