

12.06.2023

Ct.No. 1

Item No. 56

Sb / Saswata

Allowed

***CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI***

C.R.M. (DB) 226 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Mekhliganj PS case no. 15 of 2023 dated 11.01.2023 under Sections 363/365/109 of the IPC and Section 6 of POCSO Act, 2012.

And

In the matter of : **Sushen Barman**

...petitioner

Mr. Bikash Singha

...For the petitioner

Mr. Kallol Acharjee

Mr. Chattu Roy

....For the State

1. Affidavit of service filed in Court today be kept with the record.

On perusing the materials on record.

2. Nobody appears for the victim.
3. It is submitted on behalf of the petitioner that he is in custody for over 100 days. It is further submitted that the petitioner is not the principal accused.
4. Learned Counsel for the State opposes the prayer for bail.
5. We have considered the materials on record. The petitioner is not the principal accused. Keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary and the petitioner may be enlarged on bail on the following conditions:-

- i. We direct the petitioner to 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 Learned Judge, Special Court under PCSO Act-cum-Additional Sessions Judge, Mekhliganj, Cooch Behar
- ii. The petitioner shall attend each and every date of trial.
- iii. The petitioner shall not intimidate the witnesses and tamper with the evidence in any manner whatsoever.
- iv. In the event of non-compliance of any of the conditions enshrined above, the bail shall stand automatically cancelled without further reference to this Court.

6. CRM (DB) 226 of 2023 is, accordingly, **disposed of**.

7. All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)

