

08.05.2023
cm (14)

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

C.R.M.(DB) 227 of 2023

In the Matter of : Debashis Chanda

.... petitioner.

Mr. Arnab Saha
Mr. Shankar Ch. Dey
Ms. Sudhindra Das

.....For the petitioner.

Mr. Niloy Chakroborty
Mr. Kallol Nag

.....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 Kotwali Police Station Case No. 119 of 2017 dated 19th February, 2017 under Sections 370(5)/420/417/468/120B/34, adding Section 366 of the Indian Penal Code, 1860 read with Section 75/80/81 of the Juvenile Justice (Care & Protection of Children) Act, 2015 corresponding to Case No. 163 of 2021 pending before the court of learned Additional District & Session Judge, 1st Court, Jalpaiguri.

The charge against the petitioner is of trafficking under Section 370(5) of the Indian Penal code. He is in custody for over six years. Charge-sheet was filed, charges were framed and trial has commenced. The prosecution has

74 witnesses out of whom 18 have been examined. Two co-accused are on bail.

There is nothing to warrant custodial trial at least at this stage. 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 Judge, POCSO-Court-Cum-Additional Session Judge, 2nd Court, Cooch Behar 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.

Considering the long pendency of this case, we observe and direct the trial to be concluded as early as possible preferably within one year from date.

The application for bail [CRM (DB) 227 of 2023] is, accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)