

03.07.2023  
Item no.16  
Court No.1.  
AB  
(Allowed)

Calcutta High Court  
**In the Circuit Bench at Jalpaiguri**

**CRM (DB) No. 274 of 2023**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No.390 of 2021 Dated 2.8.2021 under Sections 363/365/34 of the Indian Penal Code read with Section 4 of the POCSO Act

And

**In the matter of : Bapan Debnath @ Bikram Debnath**

**.....Petitioner.**

Mr. Anirban Banerjee .....for the Petitioner.

Mr. A. S. Chakraborty, Id. APP,  
Mr. Sagnik Sankar Sikdar .....for the State.

The case was initiated under Sections 363/365/34 of the Indian Penal Code. Subsequently, Section 4 of the Protection of Children from Sexual Offences Act, 2012 was added.

The petitioner says that he has been in custody for 701 days. Although charge sheet was submitted in December, 2021, charge is yet to be framed.

We have seen the material in the case diary including the statement of the victim girl recorded under Section 164 Cr.P.C. and also medical examination report of the victim.

On an overall assessment of the material on record and the lengthy detention of the petitioner in custody, we are inclined to allow the petitioner's prayer for bail, but on stringent conditions.

Accordingly, we direct that the petitioner, namely Bapan Debnath @ Bikram Debnath shall be released on bail upon furnishing a 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 under the POCSO Act at Jalpaiguri, and on further conditions that he shall not enter the jurisdiction of Kotwali Police Station except for attending Court proceedings and shall furnish the address where he shall presently reside to the Officer in Charge of the concerned police station. The petitioner shall also meet the Officer in Charge of the concerned police station once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

***(Partha Sarathi Sen, J.)***

***(Arijit Banerjee, J.)***

