

03.07.2023
Item no.27.
Court No.01.
S. De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (DB) No. 286 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 06.06.2023 in connection with Falakata Police Station Case No. 151 of 2023 dated 14.04.2023 under Sections 4/8/12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

And

In the matter of : Rohit Khan.Petitioner.

Mr. Arnab Saha,for the Petitioner.

Mr. Ujjwal Luksom,for the State.

Charge-sheet has been submitted under Sections 4, 8 and 12 of the Protection of Children from Sexual Offences (POCSO) Act. The petitioner says that he is in custody for 80 days. He had an affair with the victim girl. He did not commit any of the offences alleged against him.

We have seen the material in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. We have also seen the medical examination report which does not appear to support the statement of the victim girl.

On an overall assessment of the material on record and in view of the fact that the charge-sheet has been submitted

upon completion of investigation, we are of the view that further custodial detention of the petitioner may not be necessary.

Accordingly, we direct that the petitioner namely **Rohit Khan** 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 POCSO Act, 2012), Alipurduar, and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to 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.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)

