

15.06.2023
Court No.01
Item No. 7
Allowed

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

sg

CRM (DB) 295 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Samuktala Police Case No. 418 of 2015 dated 25.09.2015 punishable under Sections 376(2)(i)(ii) IPC read with Section 4 of the POCSO Act.

And

In Re: **Pitrus Tudu**

Petitioner

Mr. Kallal Ghosh

For the Petitioner

Mr. Joydeep Kanta Bhowmik

For the defacto complainant

Mr. Abhijit Sarkar

Mr. Sagnik Sankar Sikdar

For the State

1. The learned counsel for the petitioner submits that the petitioner is in incarceration since 25-09-2015 and only five witnesses out of 14 charge-sheeted witnesses have been examined so far and there is no possibility of trial being concluded in the near future.
2. The learned Counsel for the de-facto complainant submits that the victim is leading a happy married life for the last three years in Assam and the evidence of the victim has already been concluded.
3. The learned Counsel for the State opposes the prayer for bail and submits that in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure directly implicated the petitioner.

4. Considering the progress of the trial which appears to be slow and tardy and having regard to the fact that the victim has already been examined and there is nothing adverse against the conduct of the appellant and that the delay has not attributable to the petitioner and also having regard to the fact that he has no criminal antecedents, we feel that further detention of the petitioner is not required and we allow the prayer for bail of the petitioner on the following conditions:
- i) The petitioner shall be released on bail upon furnishing a bond of Rs.2,500/- (Rupees Two Thousand Five Hundred only), with one local surety subject to satisfaction of the Learned Special Court under POCSO Act, Jalpaiguri.
 - ii) The petitioner shall not enter the jurisdiction of Samuktala Police Station except for the purpose of attending Court.
 - iii) The petitioner shall attend each and every date of trial unless exempted in accordance with law;
 - iv) The petitioner shall inform the Learned Trial Judge as well as the Officer-in-Charge of the Police Station about his place of residence during bail and trial. Any change in the same shall also be communicated within 48 hours thereafter.
 - v) The petitioner shall meet with the Investigating Officer once in a week during bail.
 - vi) The petitioner shall not tamper with the evidence or hamper the investigation in any manner whatsoever;
 - vii) 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.

viii) Petitioner shall furnish details of his Aadhaar Card, Telephone Number, Email, PAN Card, bank Account Number, if any. The petitioner shall surrender his passport to the learned Trial Court. In the event he does not hold any passport, he shall file an affidavit to that effect before the learned Trial Court;

The application for bail of the petitioner is allowed. CRM (DB) 295 of 2023 is accordingly, disposed of.

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)