

09.06.2023  
SL No.4  
Court No.1  
(gc)  
(Allowed)

***Circuit Bench of Calcutta High Court  
At Jalpaiguri***

**CRM (DB) 294 of 2023**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Sessions Case No.142 of 2016, arising out of Banarhat Police Station Case No.104 of 2016 dated 15.06.2016 under Section 6 of the POCSO Act, 2012.

And

In the matter of : **Genda Oraon**

- Petitioner.

Mr. Kallal Ghosh

... For the Petitioner.

Mr. Ujjwal Luksom

Mr. Aniruddha Biswas

... For the State.

The learned Counsel for the petitioner submits that the petitioner is in custody for over 7 years and he has been falsely implicated by the mother of the victim and in this regard he has relied upon the medical examination report and the evidence of the victim.

The learned Counsel for the State, however, opposes the prayer for bail and submits that it is a grave offence.

Considering the materials available in the case diary, medical examination report, the offence of the victim recorded on 30<sup>th</sup> May, 2018 and also having regard to the fact that the petitioner is in custody for over 7 years and the likelihood of the trial being

concluded in the near future appears to be bleak, we are inclined to grant bail to the petitioner.

Accordingly, we direct the accused/petitioner, namely **Genda Oraon** be released on P.R. Bond (Personal Recognizance Bond) to the satisfaction of the learned Special Judge (under the POCSO Act), 2<sup>nd</sup> Court, Jalpaiguri subject to the condition that the petitioner shall attend each and every date of trial and the petitioner shall not leave the jurisdiction of the jurisdictional court without prior permission of the court and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event of non-compliance of any of the conditions, the bail shall stand automatically cancelled without any further reference to this Court.

The application for bail is allowed.

Accordingly, the application for bail being CRM (DB) 294 of 2023 is 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.)**