

03.07.2023
Item no.28.
Court No.01.
S. De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (DB) No. 299 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 08.06.2023 in connection with New Jalpaiguri Police Station Case No. 1263 of 2020 dated 21.10.2020 under Sections 376(2)(f)(3) of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

And

In the matter of : Raju Singh @ Raju Nandi.

.....Petitioner.

Mr. Parha Pratim Sarkar,
Mr. Sandip Guha Roy,for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Subhasish Misra,
.....for the State.

Heard learned advocate for the petitioner and the learned advocate for the State.

It is contended on behalf of the petitioner that considering the long detention of the present accused petitioner and the factum of completion of investigation, the present application for bail may be considered favourably.

In course of submission learned advocate for the State draws attention of this court to the Medical Examination Report of the victim girl as well as the statement of the step sister of the victim, wherefrom it appears that the allegation made out in the

FIR is not getting any corroboration at least prima facie. Considering such contradiction and also considering the fact that it is not a fit case for custodial trial specially when investigation has been completed, we are inclined to exercise our discretion under Section 439 of the Code of Criminal Procedure.

Accordingly, we direct that the petitioner namely **Raju Singh @ Raju Nandi** 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 Additional District & Session Judge, Special Court (under POCSO Act, 2012), Jalpaiguri, 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.)