

14. 12.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (DB) 340 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **New Jalpaiguri Police Station Case No. 114 of 2018** dated **20.02.2018** under Section **363** of the Indian Penal Code, 1860. Subsequently, Charge-sheet No. 260 of 2018 dated 21.04.2018 under Section **363** of the Indian Penal Code, 1860, read with Section **6** of the POCSO Act, 2012.

And

In the matter of: - **Pradip Das**

...petitioner.

Mr. Anirban Banerjee, Adv.

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Ujjwal Luksom, Adv.,
Ms. Namrata Das, Adv.

...for the State.

The case was initiated under Section 363 of the Indian Penal Code. Charge-sheet has been submitted under Section 6 of the Protection of Children from Sexual Offences Act, 2012, read with Section 363 of the Indian Penal Code, 1860.

The petitioner says that he has been falsely implicated. He has been in custody for more than five years and three months. Only one out of twenty three charge-sheeted witnesses being the victim girl has been examined. He should be released on bail on whatever conditions that this Court may deem fit and proper.

We have seen the material in the case diary. We have also seen the deposition of the victim girl being PW 1.

Since the victim girl has been examined and considering the long incarceration of the petitioner and there being little chance of the trial coming to an end at an early date, we are inclined to allow the petitioner's prayer for bail but on stringent conditions.

Accordingly, we direct that the petitioner, namely, **Pradip Das**, shall be released on bail upon furnishing a bond of Rs.5,000/- with two registered sureties of like amount each, to the satisfaction of the learned Judge, Special Court (under POCSO Act), Jalpaiguri on condition that the petitioner shall appear before the learned trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall not commit any threat and/or inducement and/or coerce either the victim girl or her relatives who have been arrayed as prosecution witnesses.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any 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 being CRM (DB) 340 of 2023 is accordingly allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)