

12.07.2023
Item no.24.
Court No.01.
S. De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (DB) No. 408 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.07.2023 in connection with New Jalpaiguri Police Station Case No. 242 of 2022 dated 14.03.2022 under Section 6 of the POCSO Act.

And

In the matter of : Biplab Roy. Petitioner.

Mr. Joydeep Kanti Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Rikta Sarkar, for the Petitioner.

Mr. Aditi Shankar chakraborty, Ld. APP,
Mr. Sagnik Sankar Sikdar,
.....for the State.

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

At the very outset, learned advocate for the petitioner
draws our attention to the order dated 05.06.2023 as passed in
CRM (DB) 233 of 2023 whereby and whereunder liberty was
given to the present accused petitioner to renew his prayer for
bail after completion of the examination of the victim and the
medical officer.

It is contended that from page no.17 to page no.21 of
the instant bail application, it would appear that the victim girl
and the medical officer have already been examined. It is
contended that considering the fact that the present accused

petitioner is languishing in jail custody since March 15, 2022 the present application for bail may be considered favourably.

While opposing the payer for bail, learned advocate for the State draws our attention to the statement of the victim as recorded under Section 164 vis a vis the deposition of the victim girl as recorded by the learned Trial Court. It is contended by her that considering the parity of the evidence and the statement the instant application for bail maybe refused.

We have considered the entire material as placed before us. Admittedly, there are some incriminating material as against the present accused petitioner in the deposition of the PW-1 being the victim girl. However, considering the fact that the present accused petitioner is languishing in jail custody for a considerable length of time and considering the fact that learned Trial Court has already recorded the deposition of the victim girl, we are inclined to allow the bail with some stringent conditions.

Accordingly, we direct that the petitioner, namely **Biplab Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the learned Special Judge (under POCSO Act), Jalpaiguri on condition that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and shall not leave the jurisdiction of the learned Trial Court unless such condition has been relaxed by the learned Trial Court and on further condition that he 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.)