

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

16.08.2023
Court No.1
(D/L 07)
(AK)

CRM (DB) 445 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 07.08.2023 in connection with Mathabhanga Police Station Case No. 604 of 2022 dated 09.10.2022 under Sections 363/365 of the IPC read with Section 4 of the POCSO Act, 2012.

And

In the matter of: **Pabitra Jha**

... Petitioner.

Mr. Anirban Banerjee
Md. Muklachar Rahman

... for the petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Sagnik Sankar Sikdar

...for the State.

The petitioner has been in custody for 250 days. The charge sheet was submitted in January 2023.

Learned counsel appearing for the prosecution submits that 5th October, 2023 has been fixed for evidence of the victim girl. Counsel is not in a position to inform the court of any further details of the progress of the trial. The court is also informed that the trial has not progressed till date and on the last date, i.e., 31st July, 2023, the only endorsement is that “no SR was received and no witness turned up”.

The unexplained lack of progress as well as the medical examination report of the victim girl and the 164 statement persuades the court to allow the application for bail. The 164 statement does not

mention the fact of the offence and the medical report also does not make contain any statement of any recent commission of the offence of the victim girl.

We are hence inclined to grant prayer for bail.

We accordingly, direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(rupees ten thousand only) with two sureties each of like amount, one of who must be local and to the satisfaction of the learned Judge, Special Court (POCSO Act), cum Additional Sessions Judge, Mathabhanga, Cooch Behar. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.

C.R.M.(DB) 445 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)