

08.05.2023
cm (17)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(DB) 315 of 2023

In the Matter of : Mithun Singha

.... petitioner.

Mr. Souvik Mitter
Mr. Litan Mitra
Mr. Naba kumar Paul

.....For the petitioner.

Mr. Ujjwal Luksom
Ms. Namrata Das

.....For the State.

This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with Bagdogra Police Station Case No. 446 of 2021 dated 6th September, 2023 under Section 4 of the POCSO Act, 2012 corresponding to CIS No. 58/2021 pending before the court of learned Additional District & Sessions Judge, 1st Court, (Special POCSO Court), Siliguri.

The accusation against the petitioner is of sexual assault and rape of a minor girl of 15 years of age. The petitioner is about 40 years old. We did not go into the intricacies of the dispute between the petitioner's family and the victim's family save and except noticing that the petitioner's family and victim's family have bitterness in their

relationship. It is alleged that the de-facto complainant/minor girl was a victim of this which is denied by the petitioner.

We note that the petitioner is in custody for one year and eight months. Charge-sheet was submitted on 4th December, 2021 in relation to a First Information Report dated 6th September, 2021. On 13th April, 2022, charge was framed and trial has commenced. The evidence of the victim is over.

Under the facts and circumstances, we allow this application for bail to the following conditions:

The petitioner will be enlarged on bail upon furnishing a bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, 1st Court (Special POCSO Court), Siliguri on the following conditions:

1. The petitioner shall deposit his passport, if he has one, with the investigating officer,
2. He shall report before the said officer once a week,
3. He shall not leave the limits of the District Darjeeling where he resides without informing the I.C.,
4. He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. The petitioner shall attend the court on each and every day of trial, in default, the court shall be at liberty to cancel the bail bond without any reference to this bench.

The application for bail [CRM (DB) 315 of 2023] is, accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)