

**01.09.2023**  
Court No.01  
rpan/14

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

**CRM (DB) 500 of 2023**

In Re : **Pravin Ghimiray**  
- Petitioner

Mr. Mayank Roy  
... for the Petitioner.  
Mr. Kallol Acharjee,  
Ms. Namrata Das  
... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kurseong Police Station Case No. 57 of 2023 dated 12.04.2023 under Sections 10/12 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Roy, learned advocate appearing for the petitioner submits that the alleged incident occurred on May 3, 2022. Almost after a year, the mother of the victim girl lodged a complaint on April 12, 2023. Thereafter, the charge-sheet was filed on April 27, 2023.

He further submits that a similar complaint was lodged against the petitioner at Matigara Police Station and the petitioner has already obtained bail in the said case. He submits that the petitioner has been incarcerated in judicial custody since April 27, 2023. As such, since the charge-sheet has already been filed, no useful purpose will be served by further incarceration of the petitioner.

Ms. Das, learned advocate appears on behalf of the State and submits that there are several incriminatory documents against

the petitioner. Furthermore, the petitioner is a habitual offender and the prayer for bail should be rejected.

Considering the rival submissions of the parties and materials placed on record, this Court finds that the complaint has been lodged almost one year after the alleged incident. Furthermore, after perusing the FIR and the statement made under Section 164 of the Code of Criminal Procedure, it is found that the delay in filing the said complaint has not been sufficiently explained by the *de facto* complainant.

In the aforesaid conspectus, this Court finds that further incarceration of the petitioner in judicial custody may not be necessary.

Therefore, it directs that the petitioner, namely, **Pravin Ghimiray** 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 Special Judge under POCSO, Kurseong, Darjeeling.

The petitioner shall meet the Inspector-in-Charge, Kurseong Police Station once a week, until further orders. Furthermore, he shall attend all the dates on which the court proceedings are scheduled to be held.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the

learned Court below shall be at liberty to cancel the petitioner's bail without any further reference to this Court.

Accordingly, **CRM (DB) 500 of 2023** is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Lapita Banerji, J.)**

**(Tapabrata Chakraborty, J.)**