

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

4.09.2023
Court No.01
Item No19
P.P./S.D.

CRM (DB) 532 of 2023

In Re:- An application for bail under section 439 of the
Code of Criminal Procedure;

And

In Re: Mithun Biswas

...Petitioner

Mr. Jaydip Kanta Bhowmick

Mr. Sayantan Bhowmick

Ms. Rikta Sarkar

....For the petitioner

Mr. Aditi Shankar Chakraborty, APP

Mr. Ujjal Luksom

Mr. Kallol Nag

...For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with New Jalpaiguri Police Station Case No.689 of 2023 dated 13.07.2023 under Sections 363/365/328/34 of the Indian Penal Code read with Section 4 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

Having heard the learned advocates appearing for the respective parties, considering the materials in the case diary including the statements of the victim girl as recorded under Section 161 and 164 of the Cr.P.C. as well as the contents of the complaint, *prima facie*, it appears that the petitioner was not present at the place of occurrence and he had been implicated since the room where the alleged offence was committed

belonged to him. He has already suffered incarceration for about 49 days.

Considering the nature of accusations, the manner in which the offence has taken place and the possible extent of complicity of the petitioner, we are of the opinion that his further detention is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Mithun Biswas**, 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 Judge, Special Court (under POCSO Act), Jalpaiguri.

It is further directed that the petitioner shall meet with the Investigating Officer of the case once a week till investigation is completed. He shall not tamper with the evidence or influence the witnesses.

It is made clear that in the event the conditions as stated above are not complied with, the learned Court below would be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the above observations and directions, the application for bail, being C.R.M.(DB) 532 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.)