

AD-13
Ct No.01
Jalpaiguri
13.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 552 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **05.09.2023** in connection with **Falakata** Police Station Case No. **75** of **2023** dated **24.02.2023** under Section **376(3) IPC, 1860 read with Section 6 of the** Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: TARUN SARKAR

.... petitioner

Mr. Hillol Saha Poddar
Ms. Mousumi Das

... for the petitioner

Mr. Kallol Acharjee
Mr. Sagnik Sankar Sikdar

... for the State

1. Learned counsel for the petitioner submits that the petitioner is in custody for 201 days. The petitioner is aged about 24 years. It is alleged that the petitioner was not a part of the alleged offence. Learned counsel for the State denies the contentions of the petitioner and opposes the prayer for bail. The State submits that the medical report corroborates the allegation.
2. However, keeping in view that the charge sheet has already been submitted but the trial is yet to begin substantially and that the petitioner is a person of 24 years age having future

prospects and is already in custody for 201 days, we are inclined to grant bail.

3. Accordingly, CRM (DB) 552 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Court (POCSO Act), Alipurduar.
4. The petitioner shall attend each and every day of trial and shall not leave the territorial jurisdiction of the trial court throughout the period of trial.
5. Moreover, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)