

AD-26
Ct No.01
Jalpaiguri
12.09.2023
SP

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

CRM (DB) 553 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **06.09.2023** in connection with **Bhakti Nagar** Police Station Case No. **1521** of **2021** dated **28.11.2021** under Section **4/6 of the POCSO Act.**

And

In the matter of: LITON ROY

.... petitioner

Ms. Prajnadeepta Roy
Mr. Naser Ali
Ms. Sohini Kundu

... for the petitioner

Mr. Abhijit Sarkar
Mr. Kallol Nag

... for the State

1. Learned counsel for the petitioner argues that the petitioner has already been in custody for about 650 days.
2. There were previous occasions when the petitioner moved bail applications. Coordinate Benches directed the trial to be expedited, lastly within six months, but in vain.
3. It is submitted that out of 11 witnesses, only one has been examined till date.
4. It is further argued by the petitioner that there were several discrepancies in the allegations against the petitioner and the clothes of the alleged victim were not sent for FSL report.

5. Learned counsel for the State opposes the prayer. However, we find from the records that despite several directions, the trial is still at its initial stage. The petitioner is already in custody for about 650 days; hence we are convinced that the petitioner's personal liberty need not be curtailed further during the period of trial.
6. In such view of the matter, CRM (DB) 553 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under (POCSO Act), 2nd Court at Jalpaiguri.
7. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
8. Further, 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.)