

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

04.01.2023
Court No.1
Item. 07
(Suvendu)

CRM(DB) 414 OF 2022

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Dhupguri Police Station Case No. 97/21 dated 10.03.2021 under Section 365/365 IPC adding Section 6 of POCSO Act.

And

In the matter of: Sudip Sarkar

.Petitioner.

Mr. Joydeep Kanta Bhowmik
Ms. Rikta Sarkar
Mr. Sayantan Bhowmik

For the Petitioner.

Mr. Ujjwal Luksom
Mr. Saikat Chatterjee

For the State.

The petitioner has been in custody for one year but charges are still to be framed. The charge-sheet was submitted on 30th June, 2021. The Medical report also does not show any evidence of penetrative sexual assault or other evidence which may corroborate the submissions of the State.

We are of the view that the fact of there being no progress in the trial should be held in favour of the petitioner. However, since the petitioner absconded for almost five months before the petitioner surrendered one year back, we deem it fit to impose appropriate conditions for granting bail to the petitioner.

The prayer for bail is hence allowed.

We accordingly direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Special Court, Jalpaiguri. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The additional condition is that the petitioner must report to the learned Special Court and Investigating Officer as and when the petitioner called upon to do so. The petitioner's father, Narayan Sarkar, shall stand surety for the petitioner being bailable for trial and not leaving the jurisdiction of the concerned police station while the trial continuing. If the petitioner fails to comply with the directions, learned Court shall be at liberty of cancelling the bail without any further reference to this Court.

CRM(DB) 414 of 2022 is accordingly allowed and disposed of in terms of the above.

(SIDDHARTHA ROY CHOWDHURY,J.) (MOUSHUMI BHATTACHARYA,J.)

