

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

09.01.2023
Court No.1
Item. 08
(Suvendu)

CRM(DB) 417 OF 2022

An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Falakata Police Station Case No. 113/2022 dated 06.03.2022 under Section 6 of Pocso Act, 2012.

And

In the matter of: Kshitish Barman

.Petitioner.

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

For the Petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Sagnik Sankar Sikdar

For the State.

The petitioner has been in custody for 311 days. The order of rejection of the application of bail dated 6th July, 2022 specifically recorded that the trial against the petitioner should be completed within the statutory period of time. We note from the material placed before us that except for framing of charges, there has been no further progress in the trial. There are 10 witnesses in the matter.

The above inordinate delay persuades us to allow the application for bail.

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 each of like amount, one of who must be local, to the satisfaction of

the learned Judge, Special Court, Alipurduar. The petitioner shall not induce witnesses or influence them or tamper with evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdictional police station without leave of the Court.

CRM(DB) 417 of 2022 is accordingly allowed and disposed of in terms of the above.

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