

AD-59
Ct No.01
Jalpaiguri
20.09.2023
SP

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

CRM (DB) 570 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **12.09.2023** in connection with **Kotwali** Police Station Case No. **99** of **2021** dated **02.03.2021** under Sections **363/365/34 of the IPC, 1860.**

And

In the matter of: SANJOY JANA@SANJAY JANA petitioner

Mr. Arijit Ghosh
... for the petitioner

Mr. Abhijit Sarkar
Mr. Sagnik Sankar Sikdar
... for the State

1. Learned counsel for the petitioner submits that there was an amorous relationship between the petitioner and the accused person. More importantly, the petitioner is in custody for about 930 days. The trial is yet to be concluded.
2. Learned counsel for the State opposes the prayer for bail.
3. Although the prior amorous relationship may not be a relevant factor, keeping in view that the alleged victim was only about thirteen plus years of age at the relevant time, we are of the opinion that since the petitioner is

already in incarceration for about 930 days, the benefit of bail ought to be granted to him.

4. Accordingly, CRM(DB) 570 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 Special Court, under the POCSO Act at Jalpaiguri.
5. 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.
6. 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.)