

AD-24
Ct No.01
Jalpaiguri
30.01.2023
TN

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

CRM (DB) 465 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ghoksadanga Police Station Case No. 141 of 2020 dated 27.07.2020 under Sections 376(2)(n)(3)/376(D)(A)/506 IPC, read with Section 6 of the POCSO Act, corresponding to POCSO Case No. 14 of 2020.

And

In the matter of: Sunil Mandal

.... petitioner

Mr. Hillol Saha Podder,
Ms. M. Das

... for the petitioner

Mr. Abhijit Sarkar,
Mr. Biswarup Roy

... for the State

The petitioner is more than 70 years of age and has been in custody for around 2 years and 7 months.

Although charges under several Sections including Section 6 of the POCSO Act have been levelled against the petitioner, it is submitted that one of the co-accused persons is absconding and, as such, there is no scope of the trial commencing in the near future. That apart, it is contended by the petitioner that the stipulated statutory period for disposal of such a case, as mentioned under Section 35(2) of the POCSO Act, has already expired.

Heard learned counsel for the parties.

The State opposes the prayer made in the present application.

However, since the DNA report, as evident from the record, is inconclusive as regards the parentage of the petitioner and as the petitioner is in custody for a considerable period, particularly keeping in view the advanced age and physical condition of the petitioner, there is sufficient reason to grant bail to the petitioner.

Accordingly, CRM (DB) 465 of 2022 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes 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), at Mathabhanga, Cooch Behar.

The petitioner shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such persons from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)