

15.12.2023

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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) No. 698 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajganj Police Station Case No. 278 of 2022 dated 29.04.2022 under Sections 363/365 of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In Re : Sukumar Oraon petitioner

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
.....for the petitioner

Mr. Nilay Chakraborty
Mr. Sagnik Sankar Sidkar
.....for the State

Mr. Sourav Ganguly
..... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for more than 600 days. It is also submitted that there was free mixing between himself and the minor victim. It is further submitted that minor had voluntarily left her residence. He prays for bail.

2. Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had threatened to commit suicide if the minor did not accompany him.

3. Learned Counsel for the de facto complainant also opposes the prayer for bail.

4. We have considered the materials on record including the statement of the minor. Tenor of the statement gives an impression that there was a romantic relationship between the parties. Petitioner is in custody for a considerable period of time. There is no chance of trial concluding in the near future. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly we direct that the petitioner shall be released on bail upon furnishing a 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, Jalpaiguri, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further conditions that the petitioner shall not enter into Rajganj Police Station until further orders and shall provide the address where he is presently residing to the investigating agency as well as court below and shall meet the Officer-in-Charge of the concerned police station within whose jurisdiction he is presently residing once in a week until further orders.

6. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at

liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)