

24.05.2024

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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) No. 106 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Jalpaiguri Police Station Case No. 421 of 2022 dated 02.05.2022 under Section 6 of the POCSO Act.

And

In Re : Dhiren Barman petitioner

Mr. Joydeep Kanta Bhowmik

Mr. Sayantan Bhowmik

Mr. Shubham Kumar

Ms. Sayantani Das

.... for the petitioner

Mr. Ujjwal Lusom

Mr. Saknik Sankar Sikdar

.... for the State

Ms. Mrinmayee Das

.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for two years and three months. There is inordinate delay in trial. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits trial shall be completed within six months.

3. Learned Counsel for the de facto complainant opposes the bail prayer and submits minor victim was threatened and raped.

4. We have considered the materials on record. No doubt allegations are serious. But petitioner is in custody for two years and three months. Only one out of twelve witnesses has been examined. Vulnerable witness i.e. the victim has

already been examined. There is little possibility of trial concluding in the near future. In view of the aforesaid circumstances we are inclined to grant bail to the petitioner on the ground of inordinate delay in trial subject to conditions.

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 Additional Sessions Judge, 2nd court at Jalpaiguri-cum-Special Judge (POCSO) Jalpaiguri, subject to further condition that while on bail petitioner shall not enter New Jalpaiguri Police Station and shall provide the address where he shall presently reside to the investigating officer and the court below and shall report to the officer-in-charge within whose jurisdiction he shall presently reside once in a week until further orders. He shall not contact with the victim or her relations directly or indirectly or through electronic means. He shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event petitioner fails to appear before the trial court without any 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

