

29.04.2024
Court No.01
Item No. 26

Allowed

sg

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

CRM (DB) 183 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matigara Police Station Case No. 934 of 2019 dated 03.11.2019 under Section 6 of the POCSO read with Section 379/506/34 IPC.

And

In Re: **Barun Oraon**

Petitioner

Mr. Arunava Paul,

For the Petitioner

Mr. Nilay Chakraborty, ld. APP
Mr. Kallol Nag,

For the State

1. While moving the instant application for bail, the learned Advocate for the petitioner submits before this Court that though on a previous occasion i.e. on 30th January, 2024, the prayer for bail of the present accused petitioner was rejected, but on 13th March, 2024 in CRM(DB) 68 of 2024, one co-accused has been granted bail by a coordinate Bench. It is submitted that the present accused petitioner is similarly circumstanced with the accused, who has been enlarged on bail in CRM(DB) 68 of 2024.
2. The learned Counsel for the Sate opposes the prayer for bail and submits that charge-sheet has been filed on 2nd February, 2020 and admittedly, there is no much progress in the trial as on this date.

3. In view of such, we are inclined to allow the prayer for bail of the present accused petitioner basically on the ground of parity.
4. Accordingly, the petitioner viz., **Barun Oraon** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge under POCSO Act, 2012 Silirugi. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authority.
5. It is further ordered that the present accused petitioner shall not also enter into to the jurisdiction of Matigara Police Station till the conclusion of trial unless such condition has been relaxed by the learned Trial Court, with a further direction that the present accused petitioner shall appear before the learned Court on each date of substantive hearing subject to provision of Section 317 of the Code of Criminal Procedure.
6. We direct the learned Trial Court to consider the charges against the accused persons in connection with this case, if not framed in the meantime, positively within a period of two months from the date of communication of this order by the department.
7. The learned Registrar, Circuit Bench of Calcutta High Court at Jalpaiguri is hereby directed to communicate this order to the learned Trial Court forthwith.

8. The application for bail of the petitioner is allowed. CRM (DB) 183 of 2024 is, accordingly, disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)