

Court No. 1

29.04.2024

(JCB 31)

(S. Banerjee)

(Allowed)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Appellate Side

CRM (DB) 194 of 2024

In re: ^c An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Jalpaiguri Police Station Case No. 1272 of 2022 dated 04.12.2022 under Section 376(2)(f)/376(2)(n)/109/506 of the Indian Penal Code read with 6 of the Prevention of Child from Sexual Offences Act.

And

In the matter of: Anil Kumar Chakraborty

...petitioner

Mr. Chandra Sekhar Bag

... for the petitioner

Mr. Ujjwal Luksom

Mr. Sagnik Sankar Sikdar

... for the State

1. In course of hearing learned advocate for the petitioner at the very outset requests us to peruse the evidence of the victim and her parent's which have been recorded long back. It is submitted that considering the old age of the petitioner and his long incarceration and ill health, the instant application for bail may be allowed.
2. Learned counsel for the State, however, opposes the prayer for bail. It has been submitted on behalf of the State that some very vital witnesses are yet to be examined and if the present accused-petitioner is

enlarged on bail, there is every possibility that the accused may influence the said witnesses.

3. We have perused the entire materials as placed before us including the case diary and the evidence of the prosecution witness as recorded so far including the medical health status report of the present accused-petitioner. We are convinced that the material witnesses have already been examined and there is little scope on the part of the present petitioner to tamper with such evidence which have already been brought on record.
4. It is further reported that 13 more prosecution witnesses are to be examined in connection with this case and there is little possibility of conclusion of trial in near future.
5. In view of such, we consider that further detention of the present accused-petitioner is no more necessary, especially when deposition of vulnerable witnesses have already been recorded.
6. The application for bail is considered and allowed.
7. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two registered sureties of like amount each, to the satisfaction of the Special Court under POCSO Act, Jalpaiguri subject to the condition that he shall

regularly appear before the trial court on each and every date of hearing until further orders subject to the provision of Section 317 Cr.P.C. and shall not commit any threat witnesses and/or tamper with evidence in any manner whatsoever.

8. In the event the petitioner fails to appear before the trial court without any justifiable cause or violates any condition given above, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this court.
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.)