

05.12.2024
Ct. No. 01
SL No. 12
Cp
Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (DB) No. 296 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Bhaktinagar Police Station Case No. 1486 of 2021, dated 18.11.2021, under Section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of: Khitish @ Bhuttu Barman

.....petitioner.

Mr. Jaydeep Kanta Bhowmik
Ms. Rupa Basu
Mr. S. Kumar
Ms. Sayantani Das

... for the petitioner

Mr. Abhijit Sarkar
Ms. Sukanta Adhikari

.....for the State.

1. The petitioner has been in custody for 3 years and 17 days.
The petitioner prays for bail on the ground of prolonged detention and false implication.
2. Learned counsel appearing for the State vehemently opposes the prayer for bail and submits that the step father has committed the offence on an eleven year old child.
3. The investigating officer is present in court.
4. Charges were framed on March 27, 2023. We find that nine schedule dates have gone by, but the CSW 2 did not turn up.
5. We have perused the materials on record, the medical report and the statement of the grandmother recorded under

Section 161 of the Cr.P.C. Considering the materials and the prolonged detention of the petitioner, we find that there is hardly any scope for early conclusion of the trial. We are inclined to enlarge the petitioner on bail, on the touchstone of Article 21 of the Constitution of India.

6. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of equal amount each, one of whom must be local, to the satisfaction of the Learned Special Judge, POCSO Court, Jalpaiguri and subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner shall not enter into the jurisdiction of the Bhaktinagar Police Station till the conclusion of the trial.
7. In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this Court.
8. The application for bail is, thus, allowed.
9. All parties shall act on the basis of the server copy of the order.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)