

14.11.2024
Item no. 34.
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (DB) 507 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kharibari P. S. Case No.352 of 2023 Dated 10.12.2023 under Sections 363/506 of the Indian Penal Code read with Section 6/8 of the POCSO Act

And

In the matter of : Raju Das Petitioner.

Mr. Prajnadeepta Roy
Mr. Naser Ali
Mr. Debojyoti Goswami for the Petitioner.

Mr. A. S. Chakraborty, Id. APP
Mr. S. S. Sikder for the State.

Dictated by Arijit Banerjee, J.

1. The State says that service has been effected on the defacto complainant/victim girl. The defacto complainant and the victim girl are present in Court.
2. The petitioner says that he has been falsely implicated. There are disputes between the families of the petitioner and the victim girl. Therefore, this false complaint has been lodged. He is in custody for almost a year. 2 out of 18 charge sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial. The petitioner prays for bail.

3. Opposing the prayer, learned State Advocate draws our attention to the material in the case diary including the statements of the victim girl and her mother recorded under Section 164 Cr.P.C. We have also seen the medical report.
4. We are told that the vulnerable witnesses i.e. the victim girl and her mother, have already been examined before the learned Trial Court. We find nothing significant in the medical report, which may support the prosecution case. The petitioner is in custody for almost a year. An early conclusion of the trial looks impossible. 16 more witnesses are to be examined.
5. On an overall consideration of the facts and circumstances of the case, as noted above, we are inclined to allow the petitioner's prayer for bail, but on stringent conditions.
6. Accordingly, we direct that the petitioner, namely **Raju Das** 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 the POCSO Act at Siliguri, and on further conditions that the petitioner shall not enter the jurisdiction of Kharibari Police Station except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the concerned police

station and shall meet the Officer in Charge of the concerned police station within whose jurisdiction he shall presently reside once in a fortnight until further orders.

7. 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 and/or commit any cognizable offence in any manner whatsoever.
8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)

