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12-11-2024
(ct. no.01)
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(Allowed)

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**
CRM (DB) No. 510 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Malbazar Police Station Case No. 256 of 2024** dated **09.05.2024** under **Section 6** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

In the matter of : Rohit Baghwar @ Oraon.

.....Petitioner.

Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah,for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Aniruddha Biswas,for the State.

Mr. Jogesh Chandra Roy,
...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. This is an unfortunate incident. The petitioner is the brother of the victim girl who was about 14 years of age at the time of the incident. The allegation is under Section 6 of the POCSO Act.
2. The petitioner says that he is in custody since May 10, 2024, i.e. for about 6 months. Beyond filing of chargesheet on July 4, 2024, nothing has progressed in the trial. He prays for bail.

3. Learned State advocate strongly opposes the prayer for bail. He draws our attention to the material in the case diary including the medical report.
4. Learned advocate for the de facto complainant however, says that he has instructions not to oppose the prayer for bail.
5. We find that the father of the petitioner has affirmed the petition. Obviously, the parents of the victim girl have no objection if the petitioner is granted bail.
6. We are of the view that this is an exceptional case and of a nature that we do not come across often. Considering the facts and circumstances of the case, since investigation is complete, we do not see any further necessity of detaining the petitioner in judicial custody.
7. Accordingly, we direct that the petitioner, namely, **Rohit Baghwar @ Oraon** 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 POCSO Act), Mal, Jalpaiguri, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge/Inspector-in-Charge

of the concerned police station once in every week until further orders.

8. We leave it to the parents of the petitioner and the victim girl to decide whether the petitioner should reside in the family house or elsewhere. We trust that the parents will take a decision which will be in the best interest of all concerned including the victim girl and the petitioner.
9. 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 in any manner whatsoever.
10. 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.
11. The application for bail is, accordingly, allowed.
12. 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.)