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

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**
CRM (DB) No. 540 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. 858 of 2023** dated **26.10.2023** under **Section 6** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

In the matter of : Manab Roy.

	Petitioner.
Ms. Srishti Sarkar,	
	for the Petitioner.
Mr. Abhijit Sarkar,	
Ms. Sukanya Adhikary,	for the State.

Dictated by Biswaroop Chowdhury, J.

1. Affidavit-of-service filed by the petitioner is taken on record. In spite of service of notice, nobody appears for the de facto complainant.
2. Learned advocate for the petitioner and the learned advocate for the opposite party/State of West Bengal are present.
3. Heard learned advocate for the petitioner and learned advocate for the opposite party/State of West Bengal. Perused the materials in the case diary.

4. Learned advocate for the petitioner submits that although her client is in custody for about 382 days but only the examination-in-chief of CSW-1/complainant is taken and the cross-examination of the complainant is not done because the complainant is not turning up.
5. Upon perusal of the materials in the case diary, although it would not be proper to make any observation with regard to the merits of the case but considering the fact that the petitioner is in custody for about 382 days and only the examination-in-chief of the complainant is done and the next date is fixed on 16.12.2024 for examination of the victim girl and there are total 13 witnesses to be examined, there may not be any chance of early conclusion of the trial, thus prayer for bail may be considered.
6. As there is no reasonable apprehension to abscond and tamper of the witnesses, in the interest of justice, the petitioner should be enlarged on bail.
7. Accordingly, we direct that the petitioner, namely, **Manab Roy** 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), Malbazar, 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 and on further conditions that the petitioner shall not meet the victim girl and the persons acquainted with the facts of the case and shall not enter the locality where the victim girl resides till completion of the trial.

8. 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.
9. 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.
10. The application for bail is, accordingly, allowed.
11. 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.)