

25.11.2024
Ct. No. 01
SL No. 81
Cp

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (DB) 564 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Siliguri Woman Police Station Case No. 120 of 2023, dated 17th August, 2023 under Section 6 of the Protection of Children from Sexual Offences Act, 2012, read with Section 506 of the Indian Penal Code, 1860.

And

In the matter of: Paresh Roy

Mr. Kunaljit Bhattacharjee
Mr. Alok Sah

... for the petitioner

Mr. Ujjwal Luksom
Ms. Namrata Das

...for the State

1. The petitioner attempted to comply with the earlier order of a Coordinate Bench and serve the de facto complainant. The postal article has come back with the endorsement 'not known'.
2. Learned advocate for the State submits an intimation which indicates that service has been effected by the State upon the de facto complainant.
3. Let such intimation be taken on record.
4. Learned advocate representing the petitioner submits that there is discrepancy regarding the date, place and time of occurrence which has rendered the prosecution case doubtful. He submits that the petitioner is in custody for more than a year. Examination of the victim as well as the de facto complainant is over. He prays for bail.

5. Learned advocate for the State produces the C.D. and opposes the prayer for bail.
6. Heard the learned advocates for the respective parties. Perused the materials on record. Prima facie, there are some contradictions regarding the date, time and place of occurrence of the alleged offence. The examination of the victim and the de facto complainant is over and the petitioner being an aged person is in custody for more than a year. There is little possibility of conclusion of trial in the near future. 16 witnesses have been cited in the charge-sheet. They are yet to be examined. Considering these aspects, we are of the view that further detention of the petitioner will not serve any purpose.
7. Accordingly, we direct that the petitioner 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 learned Special Judge, POCSO Act, 2012, 1st Court, Siliguri, subject to the condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing until further order and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner will not enter the jurisdiction of the police station within which the victim resides.
8. In the event the petitioner fails to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

9. The application for bail is, thus, allowed and disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)