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14-11-2024
(ct. no.01)
S. De
(Allowed)

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM (DB) 569 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 **Maynaguri Police Station Case No. 329 of 2021** dated **22.06.2021** under **Sections 376(3)** of the Indian Penal Code read with **Section 4 of the** Protection of Children from Sexual Offences Act (POSCO), 2012 adding Section 6 of POCSO Act, 2012.

And

In the matter of : Natharu Roy.

.....Petitioner.

Mr. Joydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Sayantani Das,

.....for the Petitioner.

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

Dictated by Biswaroop Chowdhury, J.

1. Learned advocate for the petitioner and learned advocate for the opposite parties/State of West Bengal are present.
2. Heard learned counsel for the parties.
3. Perused the materials in the case diary.
4. Learned advocate for the petitioner submits that his client is in custody for more than 3 years and only one witness is examined that is the victim girl. Learned advocate further draws our attention to the order dated 04.09.2024 passed by this Court in CRM

(DB) 378 of 2024, where the prayer for bail made by the petitioner was rejected because the cross-examination of the victim girl was not complete and the petitioner is the neighbour of the victim girl.

5. Upon perusal of the materials in the case diary and the statement of the victim girl, although it would not be proper at this stage to make any comment with regard to the merits of the case but considering the fact that the petitioner is in custody for more than three years and as per Section 35 of the POCSO Act, it is contemplated that the trial would be completed within one year from the date of framing of the charge and the charge was framed in the year 2022 and considering the period of detention, this Court is of the view, in the interest of justice and considering the provision of Article 21 of the Constitution of India, the petitioner should be released on bail.
6. Thus, we allow the bail made by the petitioner.
7. Accordingly, we direct that the petitioner, namely, **Natharu 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), Jalpaiguri, and on further conditions that he shall not enter into the

jurisdiction of Maynaguri Police Station, except for the purpose of attending Court proceedings and shall also furnish the address where he will be residing to the Officer-in-Charge in whose jurisdiction he will be residing and shall also appear before such Officer-in-Charge once in every week until further orders.

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.)