

25.11.2024
SL No.91
s.biswas
(Allowed)

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

C.R.M. (DB) 587 of 2024

In Re: - An application for bail under Section 483 of the Bhartiya
Nagarik Suraksha Sanhita in connection with **Naxalbari** P.S.
Case No. **258/2023** dated **26.11.2023** under Sections **376 AB**
of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In the matter of: **Sujoy Roy**

....Petitioner

Ms. Rima Sarkar
Ms. Sidhi Sethia
Ms. Suprana Paul

...for the Petitioner

Mr. Kallol Acharjee
Ms. Namrata Das

...for the State

1. Despite receiving intimation through the investigating officer,
none appears on behalf of the de facto complainant.
2. The learned advocate representing the petitioner submits
that the petitioner is in custody for 352 days and the medical
report of the victim does not support the statement of the
victim under Section 164 of the Cr.P.C. It is submitted on
behalf of the petitioner that he be enlarged on bail on any
terms and conditions which would be deemed fit and proper
by this court.
3. Learned counsel appearing on behalf of the state has
produced the case diary and has vehemently opposed the
prayer for bail.

4. Considering the materials placed before us, the medical report including the statement of the witnesses recorded under Section 164 of the Cr.P.C. and the period of detention of the present petitioner, we are inclined to grant bail to the petitioner.
5. Accordingly, 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 the Learned Special Court under POCSO Act, Siliguri, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of the police station where the victim resides.
6. In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this Court.
7. The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)