

27.11.2024
SL No.41
s.biswas
(Allowed)

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

C.R.M. (DB) 592 of 2024

In Re: - An application for bail under Section 483 of the BNSS in connection with **Pradhan Nagar** P.S. Case No. **1003/2023** dated **02.12.2023** under Sections **6** of the POCSO Act.

And

In the matter of: **Md. Ajit**

....Petitioner

Ms. Sidhi Sethia
Ms. Rima Sarkar
Ms. Suparna Paul

...for the Petitioner

Mr. Kallol Acharjee
Mr. Chattu Roy

...for the State

Mr. Mayank Roy
Mr. Sourav Lohani

...for the de facto complainant

1. The petitioner prays for grant of bail. He has been custody for 340 days. It is submitted that there was a love relationship between the victim and the petitioner. Charge-sheet has been submitted on February 20, 2024, but the copy has not yet been served upon the petitioner. Fifteen witnesses have been cited in the charge-sheet. There is no chance of early conclusion of trial. It is also submitted that talks of settlement between the families are going on.
2. Learned counsel for the de facto complainant opposes the prayer for bail.
3. Learned counsel appearing on behalf of the state has produced the case diary. He has submitted that complaint was lodged belatedly and the victim was pregnant by five months at the time of lodging of complainant.

4. Upon perusal of the materials in the case diary and considering the statement of the victim recorded under Section 164 of the Cr.P.C. corresponding to Section 183 of the BNSS and the uncertainty in the conclusion of trial, we are of the view that the petitioner will be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of equal 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 or commit similar offences in future. The petitioner shall not enter the jurisdiction of Pradhan Nagar police station. He will intimate the local police station of his present address.
5. 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.
6. The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)