

27.11.2024
SL No.44
s.biswas
(Allowed)

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

C.R.M. (DB) 599 of 2024

In Re: - An application for bail under Section 483 of the BNSS in connection with **Siliguri** P.S. Case No. **18/2024** dated **06.01.2024** under Sections **363/366** of the IPC read with Section **4** of the POCSO Act.

And

In the matter of: **Koushik Darjee @ Krish**

....Petitioner

Mr. Subham ghosh

Mr. Mayank Roy

...for the Petitioner

Mr. Kallol Acharjee

Ms. Sukanya Adhikary

...for the State

1. The petitioner is in custody for 266 days. The petitioner prays for grant of bail on the ground that he has been falsely implicated and also because there is no chance of early conclusion of trial.
2. Learned counsel appearing on behalf of the state produces the case diary and opposes the prayer for bail.
3. Affidavit of service is taken on record. Despite service, none appears on behalf of the de facto complainant.
4. Perused the materials in the case diary. It appears that although the charge-sheet has been submitted on March 11, 2024, charges have not yet been framed and the date for framing of charge is fixed in January 2025. There are 13 witnesses. Considering the statement of the victim recorded under Section 164 and the fact that there is no chance of early conclusion of trial, we are inclined to grant bail to the

petitioner on the touchstone of Article 21 of the Constitution of India.

5. Accordingly, 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.
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.)