

28.11.2024
SL No.20
srm/Mujahid
(Allowed)

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

C.R.M. (DB) 612 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **12.11.2024** in connection with **Rajganj** P.S. Case No. **294/2024** dated **14.08.2024** under Sections 137(2)/140(3) of the B.N.S. adding Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Ratan Roy**

....Petitioner

Mr. Subrata Karmakar,
Ms. Madhumita Sarkar,
Ms. Rinka Chakraborty

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

...for the State

Affidavit-of-service is taken on record.

The petitioner is in custody for 78 days. Charge-sheet has been submitted.

The father of the victim is present before this Court upon receipt of notice. He submits that he does not have anything to say.

It is submitted by the petitioner that initial complaint was a mere missing diary. After the victim was recovered, she was produced before the magistrate and her statement under Section 164 of the Cr.P.C. corresponding to Section 183 of the B.N.S.S. was recorded. The statement of the victim did not implicate anyone and no allegations were made. After 23 days, another complaint was lodged by the father of the victim

implicating the petitioner with a charge under Section 6 of the POCSO Act.

Learned Advocate for the State has produced the case diary. We have considered the medical report. We also find that the victim retracted from her earlier statement.

Under such circumstances, as the charge-sheet has been submitted and the trial is yet to commence, we are of the view that this is a fit case for grant of bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of equal amount each, to the satisfaction of the learned Special Judge under POCSO Act, Jalpaiguri. The petitioner will attend the learned trial court on the dates fixed. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner will not enter into the jurisdiction of Rajganj police station till conclusion of trial or until further order of the learned trial court. The petitioner will furnish his present address to the local police station where he will be henceforth residing.

In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the learned trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)