

03.12.2024
SL No.35
srm/Mujahid
(Allowed)

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

C.R.M. (DB) 618 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 **11.11.2024** in connection with **Kalimpong Women P.S.** Case No. **16/2023** dated **05.10.2023** under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Prem Bahadur Pradhan @ Vendor**

....Petitioner

Ms. Rema Sarkar,
Mr. T. Kumai

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

...for the State

Mr. Subhankar Ghosh

... for the de facto complainant

The petitioner prays for bail on the ground that early conclusion of trial is not possible. The petitioner is in custody for one year one month. 12 witnesses have been cited in the charge-sheet.

Learned Advocate for the de facto complainant, mother of the victim does not oppose the prayer for bail.

Learned Advocate for the State submits that the victim has already deposed before the learned trial judge.

As the evidence of the victim is over and the petitioner is in custody for a considerable time, we are inclined to release the petitioner on bail. The prayer for bail is allowed.

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, Kalimpong. The petitioner will attend the learned trial court on the dates fixed. The petitioner shall not enter into the jurisdiction of Reang police station till the conclusion of trial. The petitioner will furnish his present address to the local police station where he will be henceforth residing. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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.)