

04.12.2024
SL No.25
s.biswas
(Allowed)

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

C.R.M. (DB) 644 of 2024

In Re: - An application for bail under Section 483 of the BNSS corresponding to Section 439 of the Cr.P.C. in connection with **Kharibari** P.S. Case No. **303/2023** dated **28.10.2023** under Sections **376D** of the IPC read with Section **6 & 17** of the POCSO Act .

And

In the matter of: **Rabel Roy @ Robel Roy @ Potol**

....Petitioner

Mr. Subham Ghosh

Mr. Mayank Roy

...for the Petitioner

Mr. Sourav Ganguly

Mr. Chattu Roy

...for the State

1. Affidavit of service is taken on record.
2. The petitioner is in custody for 401 days. Petitioner prays for bail. Investigation is complete.
3. Learned counsel appearing on behalf of the state produces the case diary and opposes the prayer for bail.
4. We have gone through the materials on record, including the medical report. There is no explanation as to the delay in lodging the complaint. Considering all the above aspects and the fact that there is no possibility of early conclusion of trial, we are inclined to grant bail to the petitioner.
5. 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 Court under POCSO Act, Siliguri, subject to the condition that the petitioner shall appear before the learned trial court on each and every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offence in future. The petitioner shall not leave the jurisdiction of the trial court until further orders and shall not enter the jurisdiction of Kharibari police station until further orders.

6. In the event the petitioner fails to comply with the conditions as stated 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.)