

13.06.2025

Item No.19

Ct.No.2

dc.

Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. (DB) 178 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Kharibari Police Station Case No. 242 of 2023 dated
04.09.2023 under Sections 376(2)(i)/506 of the Indian Penal
Code, 1860 read with Section 6 of the Protection of Children
from Sexual Offences Act, 2012.

And

In Re : **Sitaram Singha**

... Petitioner.

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... For the Petitioner.

Mr. Ujjwal Luksom,
Mr. Kallol Nag

... For the State.

Affidavit-of-service filed in Court today be kept with
the record.

Report submitted by the learned advocate appearing
for the State be kept with the record.

Learned advocate appearing for the petitioner submits
that the petitioner is in custody since September, 2023 i.e.
more than one year eight months and there has been no
change of circumstances since the directions were passed by
a Division Bench of this Hon'ble Court while dismissing the
bail application of the petitioner on 3rd December, 2024. The
said order dated 3rd December, 2024 reflects that efforts
should be taken to conclude the trial within six months by

the learned Special Court. The said order was communicated to the learned Trial Court on 21.12.2024. According to the learned advocate appearing for the petitioner, the evidence of the victim is over and till date two witnesses have been examined out of the cited 19 witnesses by the prosecution in the charge-sheet.

Learned advocate appearing for the State opposes the prayer for bail and draws the attention of the Court to the medical report as well as the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

I have considered the submissions of the learned advocates appearing for the petitioner and the State and on appreciation of the statement of the victim under Section 164 of the Code of Criminal Procedure, medical report of the victim and the period of detention of the petitioner and the fact that there is no possibility of trial being completed in near future, I am of the view that further detention of the petitioner is unwarranted in the facts and circumstances of the case. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge under POCSO Act, Siliguri, Darjeeling.

If on bail, the petitioner shall not enter the jurisdiction of Kharibari Police Station and shall also not leave the jurisdiction of sub-Division of Siliguri. Petitioner shall inform his address where he would be staying to the Officer-in-Charge/Inspector-in-Charge, Kharibari Police Station and also to the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station where he would be residing. The address of the petitioner must be furnished before the learned Special Court prior to his release.

The petitioner shall also once in a month report to the Officer-in-Charge/Inspector-in-Charge, Kharibari Police Station and for the said purpose, his entering into the jurisdiction should be considered to be waived.

A report be sent by the Officer-in-Charge/Inspector-in-Charge, Kharibari Police Station on each and every month to the learned Special Court regarding the attendance of the present petitioner.

In case the aforesaid conditions are violated, the learned Special Court would cancel the bail of the petitioner without further reference to this Court.

The application for bail, being CRM (DB) 178 of 2025, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)