

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

19.08.2019
tkm/ct 1
sl no. 17

C.R.M. 635 of 2019

In Re : An application for bail under section 439 of the Code of Criminal Procedure filed on 25.7.2019 in connection with Alipurduar P.S case no. 380/2018 dated 26.7.2018 under sections 363/365 of the IPC added section 6 of the POCSO Act

And

Allowed

In Re : Rabi Das petitioner

Mr. S. Dutta

..... for the petitioner

Mr. A. S. Chakraborty

Mr. S. S. Sikdar

..... for the State

Heard the learned advocates appearing for the parties.

Petitioner is in custody for 107 days and it is submitted that there was a love affair between the parties and he has been falsely implicated in the instant case. Investigation is complete.

Learned lawyer for the State opposes the prayer for bail

Having considered the materials in the case diary including the statement of the victim recorded under section 164 Cr.P.C. and in the light of the aforesaid submission that there was a love affair between the parties and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned ACJM, Alipurduar on condition that the petitioner shall appear before the trial court on every date of hearing until further orders

and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 635 of 2019 is disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)