

**29.08.19**  
Sl. No.13  
Ct. No.1  
**akd**  
[ALLOWED]

**CALCUTTA HIGH COURT**  
*In the Circuit Bench at Jalpaiguri*

**C. R. M. 813 of 2019**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.08.2019 in connection with Kuchlibari Police Station Case No. 65 of 2019 dated 26.06.2019 under Sections 363/365/109 of the Indian Penal Code and Section 4 of the POCSO Act. (G.R. Case No.315 of 2019) (POCSO Case No.16 of 2019)

And

In Re: **Bapi Roy**

... .. Petitioner

Mr. Partha Pratim Sarkar .. Advocate

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Ld. Addl. Public Prosecutor

Mr. S. S. Sikdar .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 363/365/109 of the Indian Penal Code and Section 4 of the POCSO Act.

It is submitted on behalf of the petitioner that there was a love affair between the parties and that he has been falsely implicated in the instant case. It is further submitted that he is in his early twenties while the victim girl is a teenager.

Learned advocate for the State opposes the prayer for bail and submits that the victim is a minor.

Having considered the materials on record and bearing in mind the similarity in the age of the parties and the fact that cohabitation with a minor arose out of a love affair between them, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Bapi Roy**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act, Mekhliganj, Cooch Behar subject to condition that the said 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 or commit similar offences in future.

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 for bail, thus, stands **allowed**.

**(Manojit Mandal, J.)**

**(Joymalya Bagchi, J.)**