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**C.R.M. 10042 of 2020  
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalpaiguri Women Police Station Case No. 96 of 2019 dated 16.08.2019 under Sections 4/17 of the POCSO Act read with Sections 376(2)(n)/109/24 of the Indian Penal Code.

And

In Re : Ajay Barman @ Ajoy Barman ..... petitioner

Mr. Arnab Saha

.....for the petitioner

Mr. Aditi Shankar Chakraborty

Mr. Sagnik Sankar Sikdar

....for the State

It is submitted by the learned Counsel appearing for the petitioner that he is a juvenile but has been treated as an adult. It is further submitted that the victim is a teen-ager and had voluntarily cohabited with the petitioner. It is also submitted that the petitioner is in custody for 472 days and he renews his prayer for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the victim had been kidnapped and repeatedly raped by the petitioner.

We have considered the materials on record. Whether the petitioner had forcibly kidnapped the victim or he had eloped her due to a love affair may be assessed at the appropriate stage of the proceeding. However, keeping in mind the facts and circumstances of the case and the young age of the parties and

since there is little possibility of conclusion of trial in near future and in view of prevailing conditions, we are inclined in granting bail to the petitioner.

Accordingly we direct that the petitioner shall 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 Judge, Special Court under POCSO Act,, Jalpaiguri, subject to the condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Jalpaiguri Women Police Station until further orders except for attending court proceedings and/or investigation and shall provide the address where he shall presently reside to the investigating agency and the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

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

The application for bail is, accordingly, allowed.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**

