

122 13.01.2020
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C.R.M. 178 of 2020

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure filed on 06.01.2020 in connection with Jalpaiguri Women P.S. Case No. 140 of 2019 dated 04.11.2019 under sections 344/376(2)(n)/417/323 of the Indian Penal Code read with section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Biswajit Barman @ Choton

Mr. Sudip Guha

... ... for the petitioner

Mr. Antarikshya Basu

... ... for the State

It is submitted on behalf of the petitioner that he is in custody for 68 days and there was a love affair between the parties.

Learned counsel appearing 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 nature of allegations in the light of the submission that there was a love affair between the parties and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, 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 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 the petitioner fails to do so without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

The application for bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)