

06.01.2020
tkm/ct 28
sl no. 105

C.R.M. 12408 of 2019

In Re : An application for bail under section 439 of the Code of Criminal Procedure filed on 24.12.2019 in connection with New Jalpaiguri P.S case no. 162/2019 dated 4.3.2019 under sections 363/365 of the IPC read with section 4 of the POCSO Act

And

Allowed

In Re : Narayan Barman

..... petitioner

Mr. S Purakayastha

Mr. P Talukder

Mr. M Kr. Misra

..... for the petitioner

Ms. Sukanya Bhattacharya

Ms. Sutapa Banerjee

..... for the State

Petitioner is in custody for 310 days. It is submitted on behalf of the petitioner that there was a love affair between the parties and they had cohabited for more than seven months.

Learned lawyer for the State opposes the prayer for bail and submits that the victim is a minor. Date has been fixed for consideration of charge.

Having considered the materials in the case diary and bearing in mind the nature of allegations in the light of the aforesaid submission relating to love affair between the parties and in view of the protracted period of detention suffered by the petitioner i.e. 310 days, 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 CJM, Jalpaiguri 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 12408 of 2019 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)