

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

**CRM 250 of 2021
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalpaiguri Women Police Station Case No. 04 of 2021 dated 12.01.2021 under Sections 417/493/376(2)(n)/354(C)/342/323/34 Indian Penal Code read with Section 6 of POCSO Act.

And

In the matter of: Tapan Majhi

.... Petitioner

Mr. Jaydeep Kanta Bhowmik

... For the Petitioner

Mr. Arun Kumar Sarkar,
Mr. Aniruddha Biswas

... For the State

Learned counsel appearing for the petitioner submits that the FIR was registered against the petitioner after about three years of the alleged offence. That apart, an investigation report submitted before this court shows, as recorded in the order dated February 25, 2021 passed by a co-ordinate Bench, that the victim girl is now 19 years old and subsequently got married with one Akash Mondal.

Learned counsel appearing for the State opposes the bail.

It appears from the materials that there is sufficient scope of granting benefit of doubt to the petitioner at the *prima facie* stage in view of the respective timings of the alleged offence and the lodging of complaint and possible nexus between the complaint and the subsequent marriage of the girl in view of the two being substantially contemporaneous.

Hence, the application for bail, being CRM 250 of 2021, is allowed, granting bail to the petitioner, namely, Tapan Majhi on

condition that the petitioner shall attend on all the dates of trial as well as furnish a bond of Rs.10,000/- to be borne equally by two sureties, subject to the satisfaction of the learned Additional District Judge, Second Court, Jalpaiguri, acting as the specially designated court under the POCSO Act. The petitioner shall not commit an offence similar to the offence of which he is accused and shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the court or to any police officer or tamper with the evidence.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)