

18.03.2021.
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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

C.R.M. 311 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.03.2021 in connection with Tufanganj Police Station Case No. 528 of 2020 dated 01.12.2020 under Section 506 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 corresponding to POCSO Case No. 39 of 2020.

In the matter of : Akshay Adhikary

... Petitioner

Mr. Hillol Saha Podder

...for the Petitioner

Ms. Aditi Shankar Chakraborty,

Mr. Tapan Bhattacharjee

.....for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Section 506 of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel appearing for the State opposes the prayer for bail.

Heard learned counsel appearing for the parties.

In view of the respective ages of the complainant and the alleged victim as well as in view of the indication in the statement of the victim, recorded under Section 164 of the Code of Criminal Procedure, that there was an affair between them, which raises possibility of the alleged offence being consensual, there are sufficient materials to give the benefit of doubt to the petitioner for the purpose of grant of bail.

Accordingly, C.R.M. 311 of 2021 is allowed. The petitioner, namely, Akshay Adhikary, shall be released on bail upon furnishing security of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, to the satisfaction of the Additional Sessions Judge-cum-Special Judge (under POCSO Act), Tufanganj, Cooch Behar, subject to the condition that the petitioner shall attend on every date of trial as well as desist from committing the same offence for which he was arrested, during the course of trial. Further, the petitioner 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 such person from disclosing such facts to any police officer or the court and/or tamper with evidence during the course of the trial.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at

liberty to cancel the bail automatically without reference to this court.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)