

21.04.2021
RP/ct 1
sl no. 02
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

C.R.M. 335 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure, 1973 filed on 09.03.2021 in connection with Maynaguri PS Case No.497 of 2020 dated 24.11.2020 under section 376(3) of the Indian Penal Code, 1860 read with section 4 of Protection of Children from Sexual Offences Act, 2012.

And

In Re : Goutam Roy petitioner

Mr. Arijit Ghosh

..... for petitioner

Mr. Aditi Shankar Chakraborty, ld. APP

Mr. Sagnik Sankar Sikder

.....for State

Mr. Ghosh, learned advocate appearing on behalf of petitioner submits that the petitioner is in custody for 156 days and is innocent. FIR was lodged after about four months delay on discovery of pregnancy.

Learned advocate appearing on behalf of State opposes the prayer for bail and refers to the case diary including the statement of the victim under section 164 CrPC and her medical report. The victim is 15 years old.

It appears that FIR was lodged after delay of about four months and medical report suggests that the victim girl was four months pregnant. The petitioner is in custody for 156 days and charge-sheet has been submitted. Further detention of the petitioner is not required for the purpose of investigation. Accordingly, we are inclined to grant bail to the petitioner.

In view of the above, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand

only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (POCSO), Jalpaiguri on condition that he shall appear before the trial Court on every date of hearing and shall not intimidate witnesses nor tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial Court, the trial Court below shall be at liberty to cancel the bail without any further reference to this Court.

The application for bail is allowed.

CRM 335 of 2021 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J)