

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM 381 of 2021

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 18.03.2021 in connection with NJP Police Station Case No.427 of 2019 dated 05.06.2019 under Section 6 of the POCSO Act.

And

In Re : Sanjeet @ Sanjit Sarkar

... petitioner.

Mr. Aniruddha Biswas

... for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Sagnik Sankar Sikdar

... for the State.

It appears from the submission of learned counsel that although the petitioner was arrested under Section 6 of the POCSO Act, the petitioner admittedly had a romantic relationship with the victim girl, who was above 17 years old when the alleged incident took place. It is submitted that although the romantic relationship did not fructify, there is insufficient material and sufficient scope of doubt as regards the petitioner falling within the purview of the said section.

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

We find from the nature of the complaint, lodged by the father of the victim, that there is sufficient scope of granting benefit of doubt to the petitioner.

Accordingly, CRM 381 of 2021 is allowed by granting bail to the petitioner, namely, Sanjeet @ Sanjit Sarkar on condition that the petitioner furnishes Rs.10,000/- as security with two sureties of like amount each, to the satisfaction of the learned Additional Sessions Judge, Second Court (Designated POCSO Court) at Jalpaiguri.

The petitioner shall not make, directly or indirectly, any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to any Police Officer or the court and/or tamper with the evidence. Further, the petitioner shall not leave the jurisdiction of the concerned trial court till the completion of trial and shall attend on every date of hearing when the trial is commenced.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)