

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI
(via video conference)**

C.R.M. 611 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on in connection with Matigara P.S.Case No. 155 of 2017 dated 23.03.2017 under Sections 363/376D of the Indian Penal Code read with Sections 4/8/10 of the POCSO Act.

In the matter of : Sona Barman

...Petitioner

Mr. Sanjay Mazoomdar

...for the Petitioner.

Mr. Biswarup Roy

.....for the State.

The petitioner seeks bail in connection with Matigara P.S.Case No. 155 of 2017 dated 23.03.2017 under Sections 363/376D of the Indian Penal Code read with Sections 4/8/10 of the POCSO Act.

Learned advocate appearing for the petitioner submits that the petitioner is similarly situated as that of the petitioner of CRM 2699 of 2019. Such petitioner was granted bail. He submits that the petitioner is a different person than the person named in the complaint. Moreover, the victim did not mention the name of the petitioner in the statement recorded under Section 164 of the Code of Criminal Procedure.

Learned advocate appearing for the State on a query from the Court answers that the name of the petitioner does not figure in the statement recorded under Section 164 of the Code of Criminal Procedure.

In such circumstances, the petitioner being similarly situated as the petitioner in CRM 2699 of 2019, similar facility is afforded to the petitioner. The petitioner is granted 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 Additional Chief Judicial Magistrate, Siliguri on condition that during bail the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever and he shall appear before the Trial Court on every date of hearing. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

CRM 611 of 2021 is allowed subject to the conditions as stated above.

(Debangsu Basak, J.)

(Aniruddha Roy, J.)

