

01
05-08-2021
(ct. no.32)
KOLE
Allowed

In the Circuit Bench At Jalpaiguri
(Via Video Conference)
CRM 767 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhaktinagar Police Station** Case No. **526 of 2021** dated **24.05.2021** under Sections **363/365** of the Indian Penal Code, 1860 read with Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006 with added Section 4 of the Protection of Children From Sexual Offences Act, 2012

- A n d -

In the matter of : Sanjay Kumar Paul @ Sanjay Paul
.... Petitioner.

Mr. A. Kumar Das,
Mr. R. Sreemani,

... For the Petitioner.

Mr. Ujjal Shome,
Mr. Sagnik Sarkar Sikdar,

... For the State._

The charge is under Sections 363/365 of the Indian Penal Code read with Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006. Later a charge under Section 4 of the Protection of Children From Sexual Offences Act, 2012 was added.

The petitioner, who was 19 years old at the time of the incident, says that there was a love affair between the petitioner and the victim girl, who was 14 years old, at the time of incident. The girl voluntarily went with him. There was no force from his side.

We have seen the material in the case diary including the statement of the victim girl recorded under Section 164 of the Code. She clearly stated that there was an affair between her and the petitioner.

We are also told that charge sheet has been filed. The parents of the petitioner were initially granted anticipatory bail and now stand discharged. The petitioner has been in custody for more than 70 days.

Having considered the material on record and the nature and gravity of the allegation, we are of the opinion that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- , with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Sessions Judge, 2nd Court, Jalpaiguri and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)