

13.12.2021
Court No.01
Item No. 17
Allowed
sg

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

**CRM 862 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Falakata Police Station Case No. 246 of 2021 dated 01.06.2021 under Section 6 of the POCSO Act.

And

In Re : **Bishnu Barman @ Dolo Roy.**

Petitioner

Mr. Kalipada Das

For the Petitioner

Mr. Aditi Shankar Chakraborty, Addl PP

For the State

The learned Counsel for the petitioner submits that there is a love relationship between the petitioner and the victim girl and the petitioner has been falsely implicated in the instant case. He further submits that the petitioner has never denied to marry the victim girl.

The learned Counsel for the prosecution opposes the prayer for anticipatory bail and submits that the victim girl is pregnant due to forceful intercourse by the petitioner.

Considering the materials available on record and the nature and complicity of the petitioner in the commission of alleged offence and also having regard to the fact that there is a love affairs between the petitioner and the victim and the petitioner is willing to marry the victim girl, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Bishnu Barman @ Dolo Roy**, 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 Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on the further condition that the petitioner shall meet the IO once in a week and shall not leave the jurisdiction of the Falakata Police Station without the leave of the IO. This order shall remain valid for six weeks from this date, within which time the petitioner shall surrender and obtain regular bail from the learned Trial Court and the learned Trial Court shall decide the application without being influenced by the observations made by us in this order.

The application for anticipatory bail, being C.R.M. No. 862 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J)

(Soumen Sen, J)