

26.
13-01-2022
(ct. no.01)
debajyoti
(allowed)

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

Via Video Conference
CRM (DB) 10 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mekhliganj Police Station Case No.366 of 2020 dated 23-11-2020 under Sections 363/365 of the Indian Penal Code and read with Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Prosenjit Roy

.... Petitioner.

Mr. Sudip Guha

... For the Petitioner.

Mr. Kallol Acharjee,
Ms. Namrata Das

... For the State.

The petitioner is aged about 24 years. He says that he had an affair with the victim girl, who is about 17 years of age. The victim girl and the petitioner got married.

We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. She clearly states that she had an affair for the last two and a half years with the petitioner. They went to Siliguri and got married there and were residing there as husband and wife for the last eight months. Thereafter, the parents of the victim girl caused them to be arrested by the police.

The State opposes the prayer for bail.

On an overall assessment of the material on record and considering that Charge Sheet has already been

submitted upon completion of investigation, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Prosenjit Roy**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Sessions Judge cum Special Judge, Mekhliganj, Cooch Behar. 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 bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 10 of 2022 is, thus, **allowed**.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)