

10.05.2022

Court No.01

rpan/20

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

CRM (DB) 126 of 2022

In Re: An application under Section 439 of the Code of Criminal Procedure;

And

In Re : **Nirmal Pramanik**

- Petitioner

Mr. Subhasis Misra,
Mr. Swarup Das
... for the Petitioner.
Mr. Abhijit Sarkar
Mr. Sagnik Sankar Sikdar
... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Mathabhanga Police Station Case No. 460 of 2021 dated 17.08.2021 under Sections 363/365 of the Indian Penal Code adding Section 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Case No. 36 of 2021).

The learned advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim girl. They are also desirous of marrying each other. The petitioner has been falsely implicated on the basis of a complaint lodged by the victim's mother. He has already suffered long incarceration for about 125 days. Upon completion of investigation, charge-sheet has already been submitted. As such, his further detention is not necessary and he may be enlarged on bail on any stringent condition.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of

the victim girl, as recorded under Section 164 of the Code as well as the medical report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the period of detention already suffered by the petitioner and the extent of his complicity in the alleged offence, we are of the opinion that his further detention is not necessary, more so when upon completion of investigation charge-sheet has already been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Nirmal Pramanik** 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 Judge, Special Court under POCSO Act, Mathabanga, Cooch Behar and on further condition that the petitioner shall not enter the jurisdiction of Mathabanga Police Station, save and except for attending the trial court on all the dates specified for hearing. He shall also intimate the address where he shall be residing to the Officer-in-charge, Mathabanga Police Station.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail, being CRM (DB) 126 of 2022, is disposed of.

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

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)