

15.07.2022.

Ct.No. 1
Item No. 4
sp/pk/AP

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) 241 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973, filed on 11.07.2022, in connection with Haldibari Police Station Case No. 04 of 2022 dated 03.01.2022 under Sections 363/365/109 of the Indian Penal Code, 1864 with adding Section 6 of the POCSO Act.

And

In the matter of : **Jiban Barman** ...petitioner

Mr. Kumar Shantanu

...For the petitioner

Mr. Aditi Shankar Chakraborty, ld. APP,

Mr. Biswarup Roy

....For the State

The application for bail is canvassed on the ground that the victim is 17 years old and voluntarily had physical relations with the accused/petitioner, who is 18 years old. The petitioner and the victim were in love with each other. The statement of the victim recorded under Section 164 of the Cr.P.C., confirms the same.

Although the case is under the POCSO Act given the age of the victim, and the levels of promiscuity and maturity amongst youngsters in these days, with free availability of information and on media, the 17 year old victim in the facts of the case appears mature enough to consent.

Counsel for the State opposes the prayer for bail of the accused/petitioner and submits that charge sheet has been filed.

Having considered the entire gamut of the facts and the Case Diary, this Court is of the view that the petitioner is entitled to bail.

In that view of the matter, let the petitioner 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 Special Judge under POCSO Act, Mekhliganj, Cooch Behar, subject to the conditions that the petitioner shall appear before the learned Trial Court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined herein before, it is open to the Trial Court to cancel the bail without any further reference to this Court.

C.R.M. (DB) 241 of 2022, shall stand allowed.

The Case Diary be returned.

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

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)

