

4.01.2022
Item no.33
Court No.1
m.ali
(Allowed)

(Via Video Conference)

CRM No. 1229 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 16.12.2021 in connection with Banarhat Police Station Case No.107 of 2021 Dated 04.04.2021 under Sections 305/506/34 of the Indian Penal Code.

And

In the matter of : Abhijeet @ Abhijit Biswas

.....Petitioner.

Mr. Arnab Saha

.....for the Petitioner.

Mr. Sudip Guha

.....for the Defacto complainant

Mr. Kallol Acharjee,
Mr. Sagnik Sankar Sikdar

.....for the State.

The allegation against the petitioner, who is about 22 years of age, is under Sections 12/18 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 305/506/34 of the Indian Penal.

The prosecution case, supported by the defacto complainant, is that the victim girl who was about 15 years old, was sexually harassed by the petitioner which drove her to commit suicide.

We have seen the material in the case diary including a note recovered from the room of the victim girl who committed suicide. On an assessment of the material on record, it appears that there was an amorous relationship between the petitioner and the victim girl. The girl was keen to get married with the petitioner. When she realised that such marriage will not be possible, she took her own life. These are of course of prima facie observations for the purpose of this application only.

The petitioner has been in custody for 256 days. Charge sheet has been submitted upon completion of investigation. We do not see how any useful purpose will be served by keeping the petitioner in confinement any further.

We are inclined to allow the petitioner's prayer for bail but on stringent conditions.

Accordingly, we direct that the petitioner, namely Abhijeet @ Abhijit Biswas 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 the Protection of Children from Sexual Offences Act, 2012.), cum learned Additional Sessions Judge, 2nd Court at Jalpaiguri and on further conditions that he shall remain within the jurisdiction of the concerned police station and the petitioner shall report to the Officer-in-Charge of the concerned police station once a week 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 and/or commit any cognizable offence 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.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)