

3.01.2022
Item no.49
Court No.1
m.ali
(Allowed)

(Via Video Conference)

CRM No. 1284 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.12.2021 in connection with New Jalpaiguri Police Station Case No 1119 of 2021 Dated 07.10.2021 under Sections 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Kailash Mandal

.....Petitioner.

Mr. Surajit Basu,
Mr. Ratan Chandra Roy,
Ms. Ranu Mondal.

.....for the Petitioner.

Mr. Abhijit Sarkar,
Ms. Namrata Das

.....for the State.

It is alleged that the petitioner has committed offence punishable under Section 6 of the Protection of Children from Sexual Offences Act.

The petitioner, about 19 years of age, says that he had a long standing affair with the survivor girl who is about 16 years of age. They had consensual physical relationship. Charge sheet has been submitted upon conclusion of investigation. He has been in custody for about 81 days. His custodial detention is no more necessary.

We have seen the statement of the survivor girl recorded under Section 164 of the Code of Criminal Procedure. She clearly admits that she and the petitioner had a love affair.

On an overall assessment of the facts and circumstances of the case and the material on record and since 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 Kailash Mandal 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 Special Court, (under Protection of Children from Sexual Offence Act) 2nd Court, 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 in a fortnight 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.)