

D/L. 68
February 2, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 42 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.01.2023 in connection with Mathabhanga Police Station Case No. 19 of 2022 dated 19.01.2022 under Sections 6/14/17 of the POCSO Act.

And

In the matter of: Hitlar Dutta

.... Petitioner

Mr. Joydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik

... for the petitioner

Mr. A. S. Chakraborty,
Mr. S. s. Sikdar

... for the State

Learned counsel for the State, at the outset, opposes the prayer for bail of the petitioner on the ground that the statement of the victim under Section 164 of the Code of Criminal Procedure is incriminating.

However, as rightly submitted by learned counsel for the petitioner, we find from the records that several statements under Section 161 of the Code of Criminal Procedure obliquely hint at a prior relation between the petitioner and the victim girl, who were respectively of 20 years and 15 years of age at the relevant juncture.

There are allegations which apparently also indicate that there was a semblance of a marriage between the parties, despite their minority.

Keeping in mind the above circumstances and the fact that the petitioner is a 20 years old college-going student at present, we are inclined to grant bail to the petitioner.

Accordingly, CRM (DB) 42 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioner shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)