

D/L. 50
February 7, 2023
MNS

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

CRM (DB) 63 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.01.2023 in connection with Jalpaiguri Cyber Police Station Case No. 20 of 2022 dated 27.04.2022 under Sections 354A/354D/500 of the Indian Penal Code read with Section 4/15 of the POCSO Act and Sections 66E/67/67A/67B of the I.T. Act.
And

In the matter of: Sanjay Sarkar

.... Petitioner

Ms. Matan Chakraborty

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Chattu Roy

... for the State

Learned counsel for the petitioner submits that there was admittedly a marriage between the petitioner and the victim, who were respectively 21 and 17 years of old at the relevant juncture. Thereafter, the present allegations were levelled against the petitioner.

Learned counsel for the State opposes the prayer for bail and submits that the statement under Section 164 of the Code of Criminal Procedure indicts the petitioner. It is also contended that the petitioner had been making personal video clips of the victim and making them viral on the internet.

That apart, it transpires from the submissions of the parties that the CFSL report has not yet been furnished.

Keeping in view the above circumstances, CRM (DB) 63 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 Sessions Judge, Second Court at Jalpaiguri.

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 and/or circulate any video of the victim.

A further condition is imposed on the petitioner to the effect that after release on bail the petitioner shall not circulate any further video of the victim throughout the period of trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)