

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

10.03.2023.
16.
as
(Allowed).

C.R.M. (A) 107 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Falakata P. S. Case No.586 of 2021 dated 05.11.2021 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Debasish Barman @ Bittu.
... Petitioner.

Mr. Arijit Ghosh,
Mrs. Swarnali Ghosh,
...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Sagnik Sankar Sikdar.
.....for the State.

Mr. Kalipada Das.
...for the de-facto complainant.

Pursuant to our earlier order dated 06.03.2023, I.C. Falakata P.S. is present before us. His presence is noted and dispensed with. Victim is also present.

Heard the learned Advocates for the parties including the victim.

We have considered the materials on record. Statement of the minor victim requires to be assessed in the light of the submission there was an amorous relationship between two young persons. Photographs of the petitioner and the minor victim have also been placed on record.

Under such circumstances, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary but movement of the petitioner requires to be restricted to instil confidence in the mind of the victim and other witnesses.

Accordingly, we direct that in the event of arrest the petitioner viz., Debasish Barman @ Bittu shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the trial court and pray for regular bail within a period of four weeks from date and on further condition that the petitioner while on bail shall not enter the jurisdiction of Falakata Police Station except for the purpose of investigation and attending court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

This application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

