

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

06.03.2023.
28/tkm

C.R.M. (A) 110 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Women (Jalpaiguri) P.S case no. 438 of 2021 dated 21.12.2022 under sections 376(2)(n)/323 IPC read with section 6 of the POCSO Act

and

Allowed

In Re : Chandan Roy

... petitioner

Mr. J K Bhowmik
Mr. S Bhowmik
Ms. R Sarkar
Mr. D Deb

..... for the petitioner

Mr. Ujjwal Luksom
Ms. N Das

..... for the State

Mr. Sourav Kar

..... for the de facto complainant

Learned lawyer for the petitioner submits there was a love affair between two young persons. He has been falsely implicated in the instant case. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

Learned lawyer for the de facto complainant also opposes the bail prayer.

We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of the aforesaid submission that there was a romantic relationship between the parties. Though victim is a minor, petitioner is also a young person.

In view of the aforesaid circumstances we are inclined to grant pre-arrest bail to the petitioner however, subject to conditions.

Accordingly, we direct that in the event of arrest, the petitioner 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 also 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 while on bail shall not enter the jurisdiction of Women (Jalpaiguri) P.S. until further orders except for the purpose of investigation and attending court proceeding and shall report to the concerned officer in charge within whose jurisdiction he shall reside while on bail once in a week until further orders and shall provide the address where he shall presently reside while on bail to the investigating officer as well as court below.

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM (A) 110 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)