

**In the High Court at Calcutta
Circuit Bench At Jalpaiguri**

03.03.2023
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sdas
allowed

CRM (DB) No. 106 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Siliguri Women Police Station Case No. 118 of 2022 dated 30.06.2022 under Section 6 of the POCSO Act read with Section 506 of the Indian Penal Code.

And

In Re : Bipul Das petitioner

Mr. Arijit Ghosh

.....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Aniruddha Biswas

..... for the State

Mr. Sudip Kumar Paul

..... for de facto complainant

Leave is granted to correct the cause title.

Learned Counsel for the petitioner submits that he is in custody for 245 days. It is also submitted there was a love affair between the parties. He has been falsely implicated.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had threatened to kill the brother of the victim. As a result, she kept quiet.

We have considered the materials on record. Statement of the minor shows there was cohabitation between the parties on a number of occasions. F.I.R. was not promptly lodged. Plea that the petitioner had threatened to kill her brother requires to be

assessed during trial. Under such circumstances and in view of protracted period of detention suffered by the petitioner, we are inclined to grant bail to him subject to the conditions to ensure the safety and security of the minor victim.

Accordingly, we direct that the petitioner 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 Judge, Special Court under POCSO Act (1st Court) at Siliguri subject to the further condition that the petitioner while on bail shall not enter into the jurisdiction of Matigara Police Station until further orders and shall provide the address where he shall presently reside to the investigating officer as well as court below and shall report to the officer-in-charge of the police station concerned within whose jurisdiction he shall present reside once in a week until further orders. He 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 in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

