

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

06.03.2023.
18/tkm

C.R.M. (DB) 124 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kotwali P.S case no. 672 of 2022 dated 5.10.2022 under sections 363/342/120B IPC read with sections 9/10 of the POCSO Act adding section 6 of the POCSO Act

and

Allowed

In Re : Biswajit Roy @ Biswajit Ray @ Biswajit @ Baro
..... petitioner

Ms. M Das

..... for the petitioner

Mr. A S Chakraborty

Mr. Biswarup Ray

..... for the State

Report is place on record.

Nobody appears for the victim.

It is contended that there was a love affair between the parties.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record including the statement of the minor. Allegation that she was forcibly raped and forced to marry the victim may be assessed in the light of the aforesaid submission during trial.

Keeping in mind the facts and circumstances of the case and the period of detention suffered by the petitioner i.e. 150 days, we are inclined to grant bail to the petitioner however, subject to condition.

Accordingly, the petitioner 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-cum-Additional Session Judge, 2nd Court, Jalaiguri on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Kotwali P.S except for the purpose of attending court proceeding and shall provide address where he shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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

The application being CRM (DB) 124 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)