

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

10.03.2023.
9/tkm

C.R.M. (DB) 131 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NJP P.S case no. 995 of 2020 dated 13.8.2020 under sections 4 of the POCSO Act

Allowed

and

In the matter of : Bijoy Barman @ Bijay Barman Petitioner

Mr. M Dutta

...for the Petitioner

Mr. A S Chakraborty, Id APP

Mr. S S Sikdar

...for the State

Petitioner is in custody for more than two years. It is submitted there was a love affair between the petitioner and the victim girl. He prays for bail.

Learned lawyer for the State submits victim is a minor. Due to association with the petitioner she became pregnant. There is apprehension that the petitioner may intimidate the victim.

Victim is also present. She raises objection.

We have considered the materials on record including the statement of the minor. Petitioner is young person aged about 20 years. It is contended that there was a love affair between the parties.

In view of the aforesaid circumstances and protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner, however, subject to conditions.

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 Additional Sessions Judge (under PCSO Act), 2nd Court, Jalpaiguri 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 NJP P.S and shall provide the 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) 131 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)