

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

10.03.2023.
12/tkm

C.R.M. (DB) 140 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Siliguri Women P.S case no. 16 of 2023 dated 12.2.2023 under sections 6/12 of the POCSO Act read with sections 323/506/509 IPC adding section 66E/67A of the IT Act

and

Allowed

In the matter of : Abhijit Barman @Abhijit Ghosh @ Avijit Ghosh
..... Petitioner

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

...for the Petitioner

Mr. Nilay Chakraborty
Mr. D Sil

...for the State

Ms. Rima Sarkar

...for the de facto

Petitioner is in custody for about a month. It is submitted there was a relationship between the parties. Allegation of uploading objectionable pictures in the social media is incorrect. He prays for bail.

Learned lawyer for the State produces the case diary.

Learned lawyer for the victim does not oppose the bail prayer.

We have considered the materials on record. Relationship between the parties commenced from 2018. In 2022 FIR was registered. De facto complainant victim does not have objection to grant of bail.

Under such circumstances, we are inclined to grant bail to the petitioner.

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 Special Judge (under PCSO Act), Siliguri 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. Petitioner shall not interact with the victim directly or through electronic mode.

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) 140 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)