

08.06.2023
Court No.01
Item No. 10
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

ar

CRM (DB) 202 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajganj Police Station Case No. 705 of 2022 dated 22.12.2022 under Sections 363/365 IPC read with Section 6 of the Protection of Children from Sexual Offences Act.

And

In Re: **Rahul Kumar Gupta @ Adarsh Gupta**

..... Petitioner

Mr. Sudip Guha

...For the Petitioner

Mr. Jaydeep Kanta Bhowmik

... For the Defacto Complainant

Ms. Aditi Shankar Chakraborty

Mr. Sagnik Sankar Sikdar

...For the State

We have heard the learned counsel appearing for the parties.

The learned Counsel for the petitioner submits that the petitioner is innocent and the de-facto complainant has a romantic relationship with the victim.

The learned Counsel for the State, however, opposes the prayer for bail.

The learned Counsel for the de-facto complainant submits that there is a romantic relationship between the petitioner and the victim(minor).

Considering the materials in the case diary and the nature of involvement of the petitioner in the commission of alleged offence and the relationship between the petitioner and victim and having regard to the fact that the charge-sheet has already been filed, we are of the view that further custodial detention of the petitioner is no more required and the petitioner may be released on bail.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.5,000/- 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), Jalpaiguri subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner shall not leave the jurisdiction without the permission of the Court and he shall cooperate with the investigation.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

The application for bail of the petitioner is allowed. CRM (DB) 202 of 2023 is, accordingly, disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J)

(Soumen Sen, J)