

11.07.2023
Item no.15
Court No.1.
AB
(Allowed)

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

CRM (DB) No. 229 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No.263 of 2022 Dated 18.05.2022 under Section 366/366A of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Swapan Barman Petitioner.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das for the Petitioner.

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharyafor the State.

Heard learned Advocate for the petitioner and learned Advocate for the State at length.

The petitioner is one of the two accused persons. The allegation is that the accused persons abducted the victim girl and then subjected her to sexual intercourse.

The petitioner says that he has been falsely implicated. He has not done any such thing as has been alleged.

Learned Advocate for the State produces the case diary, which we have perused. We have seen the statement of the victim girl recorded under Section 164 Cr.P.C. We have also seen the medical report. We are told that charge sheet has been filed after completion of investigation.

On an overall consideration of the material on record and the nature and gravity of the charge as also keeping in mind

that charge sheet has been submitted after completion of investigation, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely Swapan Barman shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Judge, Special Court under the POCSO Act at Mathabhanga and on further condition that the present accused petitioner shall not leave the territorial jurisdiction of the learned Trial Court till conclusion of the trial and shall meet the IC/OC of Mathabhanga Police Station once in a fortnight for the next six months unless the aforesaid conditions have been relaxed by the learned Trial Court and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)

