

14.06.2023
Court No.01
Item No. 53
Allowed

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

ar

CRM (DB) 241 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Birpara Police Station Case No. 104 of 2022 dated 09.6.2022 under Sections 363/365/376(2)(n)/34 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

And

In Re: **Sri Abishek Kami @ Abhishek**

..... Petitioner

Mr. Kalipada Das

...For the Petitioner

Mr. Jaydeep Kanta Bhowmik

... For the Defacto Complainant

Mr. Ujjal Luksom

Ms. Namrata Das

...For the State

We have heard the learned counsel appearing for the parties.

Learned Counsel for the petitioner submits that the petitioner is having a romantic relationship with the victim and he has been falsely implicated.

Learned Counsel for the de-facto complainant and the State oppose the prayer for bail and submit that the name of the petitioner has been specifically mentioned by the victim and her statement was recorded under Section 164 of the Code of Criminal Procedure.

Having considered the materials available in the case diary, the nature of relationship between the parties revealed from the statement of the victim and 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.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), Alipurduar, subject to condition that the petitioner shall comply with the provision of Section 437(3) of the Code of Criminal Procedure and on further 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) 241 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)