

03.07.2023
Item no.18.
Court No.01.
S. De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (DB) No. 276 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 05.06.2023 in connection with Mathabanga Police Station Case No. 642 of 2022 dated 04.11.2022 under Sections 363/365/120B/34 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

And

In the matter of : Subhojit Roy @ Bittu.Petitioner.

Mr. Subhasish Misra,
Mr. Swarup Das,for the Petitioner.

Mr. Arijit Ghosh, ...for the de-facto complainant.

Mr. Abhijit Sarkar,
Mr. Tapan Bhattacharjeefor the State.

The charge is, inter alia, under Section 4 of the Protection of Children from Sexual Offences (POCSO) Act. The victim girl was 15 years of age at the time of the incident.

Learned advocate for the petitioner says that there was a love affair between the petitioner and the victim girl. Charge-sheet has been submitted upon completion of the investigation. The petitioner shall abide by any term/condition that the Court may impose for grant of bail.

We have heard learned counsel for the parties and perused the material in the case diary. We have seen the

statement of the victim girl under Section 164 of the Code of Criminal Procedure.

Considering the material on record and the statement of the victim girl, in the fact that the charge-sheet has been submitted and in view of the tender age of the petitioner who is presently 22 years old, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner namely **Subhojit Roy @ Bittu** 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 Additional Sessions Judge, Mathabhanga (under POCSO Act,2012), Cooch Behar, and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders 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.

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

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)