

10. 12.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

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

CRM (DB) 284 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Kalimpong Women Police Station Case No. 24 of 2022** dated **04.11.2022** under Section **6** of the POCSO Act, 2012.

And

In the matter of: - **Tilak Biswakarma**

...petitioner.

Mr. Pratap Khati, Adv.,
Ms. Bandana Rai, Adv.

...for the petitioner.

Mr. Nilay Chakraborty, Adv.,
Mr. Dhiman Sil, Adv.

...for the State.

We have heard learned Advocate for the petitioner and learned Advocate for the State.

We have also perused the entire material in the case diary including the depositions of the prosecution witnesses as recorded by the learned Trial Court. We find that in the deposition of PW 1 (victim girl) at least *prima facie* there is not much allegation as against the present accused/petitioner except the fact that the present accused/petitioner and the PW 1 are the husband and wife and they were married prior to attainment of majority of the victim.

Such being the position, we are of the view that the present accused/petitioner is successful in making out a case

for obtaining a favourable order of bail. Accordingly, the prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Tilak Biswakarma**, shall be released on bail upon furnishing a bond of Rs.5,000/- with two registered sureties of Rs.2,500/- each, to the satisfaction of the learned Judge, Special Court (under POCSO Act), Kalimpong on condition that while on bail, the present accused/petitioner shall appear before the learned trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any 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 being CRM (DB) 284 of 2023 is accordingly allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)