

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

18.08.2023
Court No.1
Item. 20
(sg/cm)

CRM(DB) 444 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Mathabhanga Police Station Case No. 194 of 2023 dated 17.04.2023 under Sections 363/365 of the Indian Penal Code and read with Section 6 of POCSO Act.

And

In the matter of: LITAN HOSSAIN

.Petitioner.

Mr. Arjun Chowdhury
Mr. Bikash Singha

For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Aniruddha Biswas

For the State.

Mr. Subhasish Misra

For the de-facto
Complainant.

1. The medical report indicates that the victim girl as well as her legal guardian admitted to a love relationship between the victim girl and the petitioner before us. The medical report also does not indicate any evidence which would amount to an offence under the POCSO Act. The case of the petitioner is that the victim girl and the petitioner voluntarily lived together in Jalpesh, Jalpaiguri for a considerable length of time and had a relationship in excess of two years.
2. The petitioner has been in custody for 115 days and charge-sheet has already been filed.

3. Learned counsel appearing for the State opposes the prayer for bail. Although learned counsel appearing for the State submits that there is a statement under Section 164 of the Cr.P.C. of the victim girl negating the case made by the petitioner, the medical report shows otherwise.
4. We are hence of the view that the petitioner has made out a case for grant of bail.
5. The petitioner shall accordingly be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the Learned Additional Sessions Judge, Special POCSO Court, Mathabhanga, Cooch Behar. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall also make themselves available for the trial as and when the petitioner is required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.
6. CRM(DB) 444 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)