

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

21.08.2023
Court No.1
Item. 09
(Suvendu)

CRM(DB) 446 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Banarhat Police Station Case No. 127 of 2022 dated 24.04.2022 under Section 376(2)(n) of the IPC.

And

In the matter of: Pralad Oraon @ Prahlad Oraon @ Prallad Oraon @ Prahlad Oraon

.Petitioner.

Mr. Arijit Ghosh
Ms. Swarnali Ghosh

For the Petitioner.

Mr. Kallol Acharjee
Mr. Sagnik Sankar Sikdar

For the State.

1. From the 164 statement of the victim girl who was about 17 years of age at the time of the alleged offence and the Medical Report which also reflects that the victim girl was cohabiting with the petitioner for a considerable period of time, we are of the view that the petitioner's prayer for bail should be allowed.
2. The petitioner has already been in custody for 465 days.
3. We also note that the victim girl is now married to somebody else as submitted on behalf of the petitioner.
4. We accordingly direct that the petitioner shall 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 Judge, Special Court under

POCSO Act (2nd Court) at Jalpaiguri. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall report to the I.O. of the concerned Police Station once every fortnight and the petitioner shall also make himself available for the trial as and when the petitioner is required.

5. CRM(DB) 446 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)