

JPD-09
Ct No.01
12.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 482 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.08.2023 in connection with Bhaktinagar Police Station Case No. 330 of 2023 dated 27.04.2023 under Sections 448/506/34 IPC, read with Sections 6/17 of Protection of Children from Sexual Offences Act.

And

In the matter of: Ranjan Barman @ Ranjan Barman Roy
.... petitioner

Mr. Sandeep Dutta,
Mr. Pretom Das

... for the petitioner

Mr. Nilay Chakraborty,
Ms. Sukanya Adhikary

... for the State

1. Learned counsel for the petitioner contends that the petitioner is already in custody for more than 100 days.
2. Moreover, there is sufficient material to indicate from the statements of the witnesses that there was an amorous relationship between the petitioner and the victim. The victim was about 17 years 4 months old at the relevant point of time when the offence was allegedly committed.
3. The petitioner, it is noteworthy, is around 21 years old.
4. Learned counsel for the State opposes the prayer for bail.
5. We find from the materials that the victim was pregnant, which was detected nearabout the time of the complaint.
6. There is sufficient material to indicate that there is an apprehension that the relation was consensual. Moreover, the

age of the victim was bordering on majority. Thirdly, the pregnancy might have been a determinant of the complaint being lodged against the petitioner. In view of such mitigating circumstances, we are inclined to grant bail to the petitioner, since in our opinion, the petitioner is entitled to personal liberty, also, having been incarcerated for quite some time.

- 7.** Accordingly, CRM (DB) 482 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish 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 (POCSO Act) at Jalpaiguri.
- 8.** The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
- 9.** Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)