

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

25.08.2023
Court No.1
Item. 15
(Suvendu)

CRM(DB) 484 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Pedong Police Station Case No. 9 of 2023 dated 26.04.2023 under Sections 363/365/366 of the IPC r/w and Section 6 of the POCSO Act.

And

In the matter of: Ram Marapache

.Petitioner.

Ms. Supriya Singh

For the Petitioner.

Mr. Kallol Acharjee
Mr. Biswarup Roy

For the State.

1. There are three factors which persuades us to grant the prayer for bail.
2. First, there is an admitted confusion of the age of the victim girl owing to a discrepancy in the dates of birth mentioned in the Birth Certificate and the Aadhar Card. We have also shown messages sent to the victim girl from her father stating that the victim girl was 19 years of age on the date of commission of the alleged offence. The translated version of the statement of the victim girl made under Section 164 of the Cr.P.C. mentions in the very first line that the victim girl is 19 years of age but that her age was reduced to 16 years.

3. Second, the statement under Section 164 of the Cr.P.C. does not mention any offence in relation to the accused petitioner but instead says that the victim left the house with the petitioner of her own accord and also that the victim girl was in a relationship with the petitioner.

4. Third, the victim girl refused medical examination. Hence, there is no medical report before us so as to come to a finding of any offence caused by the petitioner on the victim girl.

5. The prayer for bail is hence allowed.

6. 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 whom must be local, to the satisfaction of the learned Additional Sessions Judge, Special Court (Under POCSO Act), Kalingpong. 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 shall not leave the local limits of the local police station without leave of the learned Special Court (Under POCSO Act), Kalingpong. The petitioner shall also make himself available for the trial as and when the petitioner is required.

7. CRM(DB) 484 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)

