

30.08.2023
Court No.01
rpan/16

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

CRM (DB) 498 of 2023

In Re : **Ranjan Karmakar**
- Petitioner

Mr. Biswarup Roy
... for the Petitioner.
Mr. Nilay Chakraborty,
Mr. Sagnik Sankar Sikdar
... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with New Jalpaiguri Police Station Case No. 1297 of 2022 dated 10.12.2022 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 [POCSO Case No. 157/2022].

Mr. Roy, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner and the victim girl. After the rejection of the petitioner's earlier application for bail on 3rd March, 2023, the petitioner has been served the documents under Sections 207 of the Code and upon perusal of the same, it would appear that the medical report does not corroborate the statement of the victim girl, as recorded under Section 164 of the Code. The petitioner has already suffered detention since 11th December, 2022. As such, he may be enlarged on bail on any stringent condition.

Mr. Sikdar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary and submits that in view of the

incriminating materials on record, the petitioner's prayer may be refused.

Heard the learned advocates and considered the materials on record.

Perusal of the contents of the complaint, the medical report and the statement of the victim girl reveals several inconsistencies. *Prima facie*, consensual relationship between the petitioner and the victim girl cannot be totally ruled out. The petitioner has suffered detention since the Month of December, 2022 and upon completion of investigation, charge-sheet has also been submitted. In view thereof, we are of the opinion that further detention of the petitioner is not necessary and his prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Ranjan Karmakar** shall be released on bail upon furnishing 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 under POCSO Act, 2nd Court, Jalpaiguri with a further condition that the petitioner shall meet with the Officer-in-Charge, New Jalpaiguri Police Station once a week until further orders. He shall also attend the trial court on all the dates as fixed for hearing.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail, being CRM (DB) 498 of 2023, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)