

01.09.2023
Court No.01
rpan/08

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

CRM (DB) 535 of 2023

In Re : **Niranjan Roy**
- Petitioner

Ms. Jeenia Rudra
... for the Petitioner.
Mr. Abhijit Sarkar,
Ms. Namrata Das
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Haldibari Police Station Case No. 89 of 2023 dated 06.05.2023 under Sections 363/365/366/109 of the Indian Penal Code read with Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012.

Ms. Rudra, learned counsel appearing for the petitioner submits that there is a relationship between the petitioner and the victim girl. Therefore, the allegations made in the FIR are false and the petitioner has been falsely implicated. The petitioner has been arrested on July 12, 2023 and till date is languishing in jail. Therefore, she prays for the petitioner to be enlarged on bail.

Ms. Das, learned counsel appears on behalf of the State and draws the attention of this Court to the case diary and submits that the medical report clearly is corroborative of the allegations made in the FIR. She submits that there are several incriminatory documents against the petitioner and therefore, the prayer for bail should be rejected.

Considering the rival submissions of the parties and materials placed on record, this Court is *prima facie* of the opinion that from the statement recorded under Section 164 of the Code of Criminal Procedure, of the victim girl a consensual relationship cannot be ruled out. In such conspectus of the matter, this Court grants bail to the petitioner on the following conditions:

1. The petitioner, namely, **Niranjan Roy** 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 Special Judge, POCSO Court, Mekhliganj, Cooch Behar.
2. The petitioner shall meet the Inspector-in-Charge, Haldibari Police Station once a week, until further orders.
3. The petitioner shall attend all the dates on which the court proceedings are scheduled to be held.

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.

Accordingly, **CRM (DB) 535 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.)