

25.09.2023
Court No.1
SL No.14
pk/AP

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

CRM(DB) 588 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Ghoksadanga** P.S. Case No.**388 of 2023** dated **27.07.2023** under Sections **363/365** of the IPC and section **6** of the POCSO Act.

And

In the matter of: **Prasenjit Mandal @ Prason**

....Petitioner.

Mr. Hillol Saha Podder
Ms. Mousumi Das

...For the Petitioner.

Mr. Kallol Acarjee
Mr. Miswarup Roy

...For the State.

1. The application for bail is made by the accused in connection with Ghoksadanga P.S. Case No.388 of 2023 dated 27.07.2023 under Sections 363/365 of the IPC and section 6 of the POCSO Act.

2. It appears that the accused is 19 year old and victim is 15 years old.

3. Counsel for the accused submits that his client had a love affair with the victim.

4. This Court has very carefully considered the statement under section 164 of the CrPC. The last sentence of the said statement, is the only evidence against the petitioner.

5. This Court is, however, concerned about the fact that the victim has declined a medical examination.

6. In the backdrop of the above, the complaint appears to have been lodged by the victim's father to save family honour. The physical relations, if any, between the petitioner and the victim girl do not appear to be under compulsion or force. These are, however, prima facie tentative findings and shall not interfere with the investigation.

7. Having regard to the circumstances of the case and the age of the petitioner, who is a 19 year old student, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 the POCSO Act at Mathabhanga subject to the condition that the petitioner shall not stay in Coochbehar District and shall live in Jalpaiguri District and on further condition that the petitioner shall meet the Investigating Officer once in a week and may be interrogated for a period of three hours on such occasion and the petitioner undertakes to cooperate with the investigation and on further condition that during bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

9. The petitioner shall notify his address in Jalpaiguri to the Investigating Officer and also keep his phone accessible to the Investigating Officer after communicating the number.

10. In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

11. The application for bail is, thus, disposed of.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)