

13.12.2023

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Allowed

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (DB) 666 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Falakata Police Station Case No. 233 of 2023 dated 25.05.2023 under Sections 363/365/328/376D/506 of the Indian Penal Code read with Section 6 of the POCSO Act .

And

In Re : Prasanta Barmanpetitioner

Ms. Pratusha Dutta Chowdhury

Ms. Riya Agarwal

..... for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Kallol Acharjee

Mr. Subhasish Misra

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than 180 days. It is also submitted he has been falsely implicated in the case. Co-accused are on bail. He prays for bail.
2. Learned Counsel for the State opposes the prayer for bail.
3. In spite of service nobody appears for the victim.
4. We have considered the materials on record. Co-accused are on bail. Petitioner stands on the same footing with the said co-accused. Under such circumstances, we are inclined to extend the similar privilege to the petitioner also.
5. Accordingly, we direct that the petitioner 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, Alipurduar, subject to conditions that petitioner shall not leave the territorial jurisdiction of the Trial Court during the entire period of trial and shall attend on each and every date of trial.

6. Moreover, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.
7. However, the petitioner shall not try to establish any contact or meet the victim girl in any manner whatsoever during the entire period of trial.
8. The application for bail is, accordingly, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)