

13.12.2023

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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) No. 667 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No. 41 of 2023 dated 15.02.2023 under Sections 04/15(2) of the POCSO Act.

And

In Re : Suman Biswas petitioner

Mr. Hillol Saha Podder
.....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Subhasish Mishra
.....for the State

1. Learned Counsel for the petitioner submits he is in custody for over 250 days. It is also submitted there was a love affair between the parties and they had married each other. He has been falsely implicated. He prays for bail.

2. Learned Additional Public Prosecutor opposes the prayer for bail.

3. In spite of service nobody appears for the victim.

4. We have considered the materials on record including the statement of the minor. There was free mixing between the parties. They married and resided together as husband and wife. No indecent photograph of the victim has been recovered

from the petitioner. Under such circumstances, we are inclined to grant bail to the petitioner.

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, Mathabanga, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)