

13.12.2023

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allowed

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (DB) 671 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haldibari Police Station Case No. 73 of 2023 dated 10.04.2023 under Sections 6/17 of the POCSO Act.

And

In Re : Sunil Barman

.....petitioner

Mr. Jaydeep Kanta Bhowmik

Ms. Rikta Sarkar

..... for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Kallol Nag

..... for the State

Mr. Aniruddha Biswas

..... for the victim

1. Learned Counsel for the petitioner submits he is in custody for 110 days. It is also submitted he is the uncle of the principal accused. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and contends that the petitioner abetted with co-accused to cause illegal abortion of the victim.

3. Learned Counsel for the victim also opposes the bail prayer.

4. We have considered the materials on record. Petitioner is not the principal accused. Keeping in mind the extent of complicity of the petitioner in the crime and the period of detention

suffered by him we are of the opinion further detention is not necessary and he may be granted bail.

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 Additional Chief Judicial Magistrate, Mekhliganj, Coochbehar 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.)