

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

14.12.2023.
19/tkm

C.R.M. (A) 983 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ghoksadanga P.S case no. 447 of 2023 dated 8.9.2023 under section 6 POCSO Act

And

Allowed

In Re : Gobinda Barman

.....petitioner

Ms. M Das

...for the Petitioner

Mr. A S Chakraborty, Id APP

Mr. Kallol Acharjee

Mr. S S Sikdar

...for the State

Mr. Sourav Ganguly

...for the de facto complainant

1. Petitioner submits that he had married the victim.

Allegation of forcible sexual intercourse is out and out false.

2. Learned lawyer for the State opposes the prayer for anticipator bail.

3. Learned lawyer for the de facto complainant contends that the victim was subjected to torture and physical assault.

4. We have considered the material on record. Allegation in the FIR shows that the parties had entered into matrimony one year ago. There is delay in lodging FIR. Allegation of forcible sexual intercourse requires to be assessed in the light of the aforesaid circumstances at the appropriate stage of the proceeding.

5. Keeping in mind the aforesaid facts, we are of the opinion custodial interrogation of the petitioner for progress

in investigation is not necessary but he requires to co-operate with investigation in accordance with law.

6. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner while on bail, shall meet the investigating officer once in a week until further orders.

7. Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

8. The application being CRM (A) 983 of 2023 is disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)