

19.01.2024.  
38.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (DB) 169 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliayaganj P.S. Case No.379 of 2023 dated 05.09.2023 under Sections 323/342/506 of the Indian Penal Code read with Sections 6/17 of the POCSO Act.

In the matter of : **Giri Debsharma @ Giri Gobardhan  
Dhari Debsharma.**

.... Petitioner.

Mr. Navanil De,  
Mr. Rajeshwar Chakraborty,  
Mr. Srinjan Ghosh,  
Mr. Subhrajit Dey,  
Ms. Monami Mukherjee.

...for the Petitioner.

Mr. Arijit Ganguly,  
Ms. Mousumi Sarkar.

...for the State.

Mr. Santanu Hazra,  
Mr. Kaustav Roy.

...for the de-facto complainant.

1. Petitioner submits victim was major at the time of registration of FIR. There was a romantic relationship between the parties. Accordingly, he prays for bail.
2. Learned Advocate for State opposes the bail prayer.
3. Learned Advocate for de-facto complainant also opposes the bail prayer.
4. We have considered the materials on record. We have also examined the statement of the victim girl. She states she had left the residence as petitioner promised to marry her.
5. In view of aforesaid circumstances which portrays a romantic relationship between two young persons and as there

is no chance of abscondence, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Giri Debsharma @ Giri Gobardhan Dhari Debsharma** 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 the POCSO Act, Raiganj, Uttar Dinajpur subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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

8. This application for bail is, thus, disposed of.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**