

13.05.2024
Sl. No.50
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 143 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.03.2024 in connection with Maynaguri Police Station Case No.166 of 2023 dated 07.05.2023 under Section 4 of the POCSO Act read with Section 376(3) of the Indian Penal Code.

And

In Re: **Pratap Sarkar**

... .. Petitioner

Mr. Aniruddha Biswas
Mr. Kanak Mishra

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Kallol Nag

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 200 days. It is further submitted victim had a love affair with the petitioner who is her private tutor. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim was a minor.
3. In spite of notice, nobody appears on behalf of the victim.
4. We have considered the materials on record including the statement of the victim. Petitioner is the private tutor of the victim. It is contended there was a romantic relationship between two young persons. In view of the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Pratap Sarkar**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten

thousand only), 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-cum-Additional District & Sessions Judge, 2nd Court, Jalpaiguri subject to condition that the said petitioner 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.

6. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)