

29.4.2024
Court No.01
Item No. 24
Allowed

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

ar

CRM (DB) 176 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 11 of 2024 dated 06.01.2024 under Sections 363/365 of the Indian Penal Code.

And

In Re: **Prosenjit Roy**

..... Petitioner

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. Shubham Kumar
Ms. Rikta Sarkar
Ms. Sayantani Das

For the Petitioner

Mr. Abhijit Sarkar
Mr. Dhiman Sil

For the State

1. We have heard the learned counsel appearing for the parties.
2. In spite of service, the victim is not represented. Affidavit of service filed in Court is taken on record.
3. In support of the application for bail learned counsel for the State submits before this Court that considering the fact that the investigation has already been completed and also considering the fact that the allegation as made out in the F.I.R is false, the instant bail application may be considered favourably.
4. While opposing the prayer for bail, learned counsel for the State draws our attention to the statement of the victim as recorded under Section 164 as well as the medical examination report of the victim.

5. On perusal of the entire materials placed before us it reveals that there was a romantic relationship between the present petitioner and the victim, who is a minor girl and there was a statement to that effect that in between them physical relationship took place on many occasions.

6. Considering the circumstances, we are of the view that further custodial detention of the petitioner is no more required and the petitioner may be released on bail.

7. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the Special Court under POCSO Act, Jalpaiguri subject to the condition that he shall regularly appear before the trial Court on each and every date of hearing until further orders subject to the provision of Section 317 Cr.P.C and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and shall not enter the town of Jalpaiguri, except for attending the Court purpose.

8. In the event the petitioner fails to appear before the Trial Court without any justifiable cause or violates any condition given above, the Trial Court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

9. The application for bail of the petitioner is allowed. CRM (DB) 176 of 2024 is, accordingly, disposed of.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)