

14.08.2024
Court No.1
SL No.6
pk/AP

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

CRM(DB) 303 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Mekhliganj** P.S. Case No. **145 of 2024** dated **21.04.2024** under Sections **363/365/34** of the IPC and adding Sections **6/17** of the POCSO Act.

And

In the matter of: **Jayanta Barman**

....Petitioner.

Mr. Biswarup Roy
Ms. Supriya Debnath

...For the Petitioner.

Mr. Abhijit Sarkar
Mr. Sourav Ganguly

...For the State.

1. Bail is sought on the ground that the victim girl had voluntarily physical relations with the petitioner.
2. It appears that the victim girl is a minor (16 years old) and is pregnant today. She had tried to commit suicide since after the petitioner's parents refused to accept her or marry the petitioner.
3. Given the fact that the girl is a minor, her consent to physical relations is irrelevant. The offence under POSCO Act appears prima facie evident.

4. In the peculiar facts and circumstances of this case, this Court is not inclined to consider that the girl was mature for voluntary relations with the petitioner.

5. In view of the above, this Court is not inclined to grant bail to the petitioner at this stage.

6. The application for bail is, thus, rejected.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)