

20.08.2024.

Item No. 10

Court No.1

ap

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

C.R.M. (DB) No. 337 of 2024

In Re:- An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) filed on 16.07.2024 in connection with Matigara Police Station Case No. 283 of 2024 dated 30.04.2024 under Sections 363/498A/325/307/506 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act, 1961 and Sections 3/4 of the Prohibition of Child Marriage Act, 2006 and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Gopal Sarkar.** ...Petitioner.

Mr. Hillol Saha Podder. ...For the petitioner

Mr. Abhijit Sarkar,
Mr. Dhiman Sil.For the State

1. The petitioner seeks bail on the ground that he was in love with the victim girl and got married to her and they have now given birth to a child.
2. The allegations are primarily under Sections 498A, 325 and 307 of the Indian Penal Code. The allegations under Section 307 of the Indian Penal Code do not appear to be prima facie established.
3. Admittedly, there is a child born out of the wedlock between the petitioner and the victim.
4. Be that as it may, since charge-sheet has been filed, this Court is of the view that the detention of the petitioner in custody is no longer required.

5. Counsel for the State raised objection to the prayer for bail of the petitioner.

6. In view of the facts and circumstances stated hereinabove, this Court is of the opinion that the petitioner is entitled to bail.

7. Let the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri.

8. The petitioner undertakes before this Court through his Counsel to take back the victim girl and take care of his child.

9. The Court warns the family members of the petitioner from inflicting any further harm on the victim. The family members of the petitioner shall take good care of the victim care and her child. In the event of any further complaint from the victim and her family members against the petitioner and his family members is raised, the victim and/or State shall be entitled to apply for cancellation of the bail of the petitioner.

10. C.R.M. (DB) No. 337 of 2024 is, thus, disposed of.

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

(Ajoy Kumar Mukherjee, J.)

(Rajasekhar Mantha, J.)

