

23.08.2024.

Item No. 9

Court No.1

ap

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

C.R.M. (DB) No. 351 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 18.07.2024 in connection with Phansidewa Police Station Case No. 34 of 2024 dated 31.01.2024 under Sections 363/365 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Parimal Das.** ...Petitioner.

Mr. Subham Ghosh,
Mr. Mayank Roy. ...For the petitioner

Mr. Aditi Shankar Chakraborty, Id. APP,
Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar.For the State

1. The victim has been notified. Affidavit-of-service filed in Court today be taken on record.
2. The application for bail is canvassed on the ground that the petitioner is in custody for more than 150 days.
3. It appears from the records that originally bail was granted to the applicant since the FIR was filed under Section 363 of the Indian Penal Code. Subsequently, after verification of the age of the alleged victim, Section 6 of the Protection of Children from Sexual Offences Act, 2012 has been added. It further appears from the records that the victim was 17 years and the petitioner is 22 years of old.

4. It is submitted that they have a romantic relationship with each and other and hence, had physical relations.

5. Counsel for the State opposes the prayer for bail.

6. This Court has considered the statement of the alleged victim recorded under Section 164 of the Code of Criminal Procedure, 1973. She has stated that she has voluntarily gone with the accused person.

7. In the facts and circumstances of the case as aforesaid, this Court is inclined to enlarge the petitioner on bail.

8. Let the petitioner be released on bail upon furnishing a bond of Rs.1,000/- with two sureties of Rs.500/- each, one of whom must be local, to the satisfaction of the Learned Additional District & Sessions Judge, 1st Court-cum-Judge, Protection of Children from Sexual Offences Act, 2012, Siliguri subject to the condition that after release, the petitioner shall attend the Court below on all the dates, as specified for hearing.

9. It is made clear that in the event the petitioner fails to comply with the aforesaid direction without any justifiable cause, the learned Trial Court would be at liberty to cancel his bail without any further reference to this Court.

10. C.R.M. (DB) No. 351 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.

(Ajay Kumar Gupta, J.)

(Rajasekhar Mantha, J.)

