

12.11.2024
Item no. 107.
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (DB) 568 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kalchini Police Station Case No.83 of 2024 Dated 28.06.2024 under Sections 6 of the POCSO Act

And

In the matter of : Raj Ram

.....Petitioner.

Mr. Arnab Saha for the Petitioner.

Mr. Nilay Chakraborty, Id. APP
Mr. Aniruddha Biswas for the State.

Dictated by Arijit Banerjee, J.

1. Affidavit of Service filed in Court today, be kept with the records. In spite of service, nobody appears for the defacto complainant.
2. The prosecution case is that the petitioner, about 19 years of age at the time of the incident, ravished the victim girl, who was about 17 years of age at the time of the occurrence. Consequently, the victim girl became pregnant. At the time of the delivering a child, the victim girl passed away.
3. The petitioner says that he has been falsely implicated. There was an amorous relationship between him and

the victim girl. They had consensual physical relationship. He is in custody for about 116 days. Investigation is complete. His further custodial detention is not necessary.

4. Opposing the prayer for bail, learned State Counsel draws our attention to the statement of the victim girl recorded under Section 164 Cr.P.C. It appears from the statement prima facie that there was a relationship between her and the petitioner.
5. On an overall consideration of the material on record and considering that investigation is complete, we are of the view that the petitioner's prayer for bail may be granted.
6. Accordingly, we direct that the petitioner, namely **Raj Ram** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 at Alipurduar, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
7. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence

and/or commit any cognizable offence in any manner whatsoever.

8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)