

12.11.2024
Item no. 109.
Court No.1.
AB
(Allowed)

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

CRM (DB) 571 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 Kotwali Police Station Case No.556 of 2024 Dated 16.08.2024 under Sections 4 of the POCSO Act and under Section 137(2)/140(3) of BNS 2023

And

In the matter of : Subrata Sarkar @ Subhra Sarkar

.....Petitioner.

Mr. Bikash Singha for the Petitioner.

Mr. Saikat Chatterjee,
Mr. Dhiman Sil for the State.

Mr. Bhaskar Roy Maheshaya
....for the Defacto complainant.

Dictated by Biswaroop Chowdhury, J.

1. Learned Advocate for the petitioner, learned Advocate for the State of West Bengal and learned Advocate for the defacto complainant are present.
2. Heard learned Advocates for the parties.
3. Learned Advocate for the petitioner submits that his client is falsely implicated in the instant case and the allegation made against his client is not maintainable.
4. Learned Advocate further submits that there was a love relationship between the petitioner and the victim girl.

The victim girl is 15 years of age and the petitioner is 21 years of age.

5. Learned Advocates for the State of West Bengal and the defacto complainant object to the grant of bail.
6. Upon perusal of the materials in the case diary, mainly the statement of the victim girl recorded under Section 164 Cr.P.C. and the fact that medical examination was refused by the victim girl, we are of the view that as the petitioner is in custody for 85 days and charge sheet has already been filed, in the interest of justice, the petitioner should be granted bail.
7. Thus, we allow the present application for bail.
8. Accordingly, we direct that the petitioner, namely **Subrata Sarkar @ Subhra Sarkar** 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 Jalpaiguri, and on further conditions that he shall not enter the jurisdiction of Kotwali Police Station except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the concerned police station and shall meet the Officer in Charge of the concerned police station

within whose jurisdiction he shall presently reside once in a fortnight until further orders.

9. 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.
10. 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.
11. The application for bail is, accordingly, allowed.
12. 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.)

