

27.11.2024
SL No.40
srm/Mujahid
(Allowed)

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

C.R.M. (DB) 590 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **07.11.2024** in connection with **Maynaguri** P.S. Case No. **132/2024** dated **02.04.2024** under Sections 363/365 of the Indian Penal Code with added Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Biswajit @ Biswa Roy @ Bishwajit Roy**
....Petitioner

Mr. Arijit Ghosh,
Ms. Angana Rokshit
...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag
...for the State

Ms. Kanak Mishra
...for the de facto complainant

The petitioner has been in custody for 197 days. It is submitted that he had an affair with the victim and the relationship was consensual.

Learned Advocate for the State submits that the victim was 16 years old and question of consent would not arise.

Learned Advocate for the victim and de facto complainant appears and submits that the learned Advocate was instructed not to oppose the prayer for bail.

Considering the medical report, the statement made by the victim under Section 164 of the Cr.P.C. corresponding to

Section 183 of the B.N.N.S. and the facts and circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of equal amount each, to the satisfaction of the learned Judge, Special Court under POCSO Act, 2nd Court, Jalpaiguri. The petitioner will attend the learned trial court on each and every date fixed. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner shall remain outside the jurisdiction of the Maynaguri police station until further orders of the learned trial court. The petitioner will furnish his present address to the local police station where he will be henceforth residing.

In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the learned trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)