

25.11.2024
SL No.96
s.biswas
(Allowed)

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

C.R.M. (DB) 595 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the B.N.S.S. in connection with **Maynaguri** P.S. Case No. **47/2024** dated **05.02.2024** under Sections **363/365** of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In the matter of: **Pankaj Roy**

....Petitioner

Ms. Suman Sehanabis
Mr. Salok Sah
Ms. Anwasha Chakraborty

...for the Petitioner

Mr. Nilay Chakraborty
Mr. Sanjiv Das

...for the State

Mr. Kunaljit Bhattacharjee
Mr. Alok Sah

... for the de facto complainant

1. Affidavit of service is taken on record.
1. The learned advocate for the petitioner submits that that one love affair developed between the petitioner and the victim and there was consensual physical relationship. The petitioner submits that charge-sheet has been submitted by citing 13 witnesses, but none of the witnesses have turned up to depose. She submits that further detention of the petitioner will not serve any purpose.

2. The learned advocate for the de facto complainant submits that the victim wants to marry the petitioner as soon as she attains the age of 18 years.
3. Learned counsel appearing on behalf of the state has opposed the prayer for bail.
4. Considering the submission of the learned counsel on behalf of the victim and considering the materials placed before us as also the statement of the victim recorded under Section 164 of the Cr.P.C., and upon further considering the fact that the petitioner has been in custody for more than a year, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, to the satisfaction of the learned Special Court under POCSO Act, 2nd Court at Jalpaiguri, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this Court.
7. The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)