

27.11.2024
SL No.43
s.biswas
(Allowed)

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

C.R.M. (DB) 598 of 2024

In Re: - An application for bail under Section 483 of the BNSS corresponding to Section 439 of the Cr.P.C. in connection with **Bhaktinagar** P.S. Case No. **478/2024** dated **30.05.2024** under Sections **6** of the POCSO Act.

And

In the matter of: **Subham Sarkar**

....Petitioner

Mr. Hillol Saha Podder

Ms. Mousumi Das

...for the Petitioner

Mr. Ujjwal Luksom

Mr. Dhiman Sil

...for the State

Mr. Sudhindra Das

...for the de facto complainant

1. The petitioner prays for grant of bail on the ground of prolonged detention and false implication. It is submitted that there was a love affair between the petitioner and the victim and the physical relationship was consensual. The father of the de-facto complainant lodged a complaint five months after the alleged incident. They were tenants in the same house.
2. Learned counsel for the de facto complainant submits that the de-facto complainant does not have any objection to the grant of bail, as the parties are not residing in the same locality and there is no chance of meeting each other.
3. Learned counsel appearing on behalf of the state has produced the case diary. He has submitted that the

complaint was lodged belatedly. The medical examination report supports the prosecution case.

4. Upon perusal of the materials in the case diary and considering the detention period of the petitioner and the fact that charge-sheet has been submitted and further that there is no chance of early conclusion of trial, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner will 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 Special Court under POCSO Act, 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 or commit similar offences in future.
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.)