

02.12.2024
SL No.51
srm/Mujahid
(Allowed)

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

C.R.M. (DB) 600 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 **06.11.2024** in connection with **NJP** P.S. Case No. **919/2024** dated **10.09.2024** under Sections 137(2)/140(3)/351(2)/64(1) of B.N.S., 2023 read with the Section 6 of the POCSO Act.

And

In the matter of: **Abhijit Barman**

....Petitioner

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Sayantani Das

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly

...for the State

Affidavit-of-service is taken on record. Service has been effected on the de facto complainant. Despite service, none appears on behalf of the de facto complainant.

The petitioner is in custody for 82 days. The petitioner prays for bail on the ground that a love affair had developed between the petitioner and the victim. Thereafter, they resided together for a considerable time. The family of the victim falsely implicated the petitioner.

Learned Advocate for the State has handed over the copy of the case diary. He opposes the prayer for bail.

We have gone through the materials on record and specially the statement of the victim under Section 183 of the B.N.S.S. corresponding to Section 164, Cr.P.C. The statement of the victim supports the contention of the petitioner.

Under such circumstances and considering the age of the parties and the statement of the victim, the prayer for bail is allowed.

Accordingly, we direct that 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 Special Judge under POCSO Act, Jalpaiguri. The petitioner will attend the learned trial court on the dates fixed. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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.)