

27.11.2024
Ct. No. 01
SL No. 51
Cp
(allowed)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (DB) No. 625 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Maynaguri Police Station Case No. 318 of 2024, dated 27.07.2024, under section 6 of the POCSO Act.

And

In the matter of: Sandeep Oraon @ Sandip Oraon

Mr. Jaydeep Kanta Bhowmik
Mr. Shubham Kumar
Ms. Sayantani Das
Ms. Jasmin Haque

... for the petitioner

Mr. Nilay Chakraborty
Mr. Tapan Bhattacharjee

...for the State

1. Affidavit of service is taken on record. Despite service, none appears on behalf of the de facto complainant.
2. The petitioner prays for bail. He is in custody for more than 120 days. Petitioner submits that a love affair developed between the petitioner and the victim. Thereafter, the relationship got sour and the complaint was lodged as a retaliation and out of vindictiveness.
3. Learned APP produces the case diary and the statement under Section 164 Cr.P.C. of the victim corresponding to Section 183 of B.N.S.S. He opposes the prayer for bail.
4. Prima facie, we find that there was a consensual physical relationship between the petitioner and the victim. We are of the view that prolonged detention of the petitioner would not serve

any purpose. Charge-sheet has been submitted. We do not find that there is any possibility of early conclusion of trial.

5. 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 learned Special Court, under POCSO Act, 2nd Court, Jalpaiguri, subject to the condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing 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 stated hereinabove, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)