

31.01.2025

Sl. No.04
SG
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) 33 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jalpaiguri Kotwali P.S. Case No. 01 of 2024 dated 01.01.2024 under Sections 363/365 of IPC read with Section 4 of POCSO Act.

And

In the matter of : **Pabitra Roy.**

... Petitioner.

Mr. Sudip Guha,
Mr. Sandip Guha Roy,
Mr. Ananda Paul.

...for the petitioner.

Mr. Aditi Shankar Chakraborty. Ld A.P.P.
Mr. Biswarup Roy.

...for the State

1. Petitioner is in custody for more than 200 days. He submits there was a romantic relationship with the victim and they had eloped. Subsequently, he was falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail. He submits victim is a minor. Petitioner took her to Haryana and deserted her.
3. In spite of notice nobody appears for the victim.
4. We have considered the materials on record including the statement of the victim. In her statement victim admits there was a prior relationship. They had gone to Haryana and stayed in a hotel. Thereafter, petitioner deserted her and she

was recovered. Petitioner contends he had run away as he was falsely implicated. No doubt, victim is a minor. However, the profile of the case gives an impression that petitioner and the victim had eloped together.

5. Keeping in mind the aforesaid facts, we are of the opinion further detention is not necessary and petitioner may be enlarged on bail.
6. Therefore, the accused/petitioner, namely **Pabitra Roy**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge Special Court, (under POCSO Act), 2nd Court, Jalpaiguri subject to condition that the said petitioner shall appear before the 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.
7. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)