

9.
16.05.2025
(Ct. No. 03)
DB

**HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

CRM (DB) 166 of 2025

Ajit Oraon @Toppo@ Ajit Oroano

Vs

The State of West Bengal And Anr.

Mr. Somraj Paul, Adv

Mr. Subham Ghosh, Adv. For the petitioner

Mr. K. Chatterjee, Adv.

Mr. Saikat Chatterjee, Adv.

Mr. K. Nag For the State

Ms. S. Chakraborty, Adv..... for the de facto complainant

1. Mr. Somraj Paul, Learned Counsel, is appearing for the petitioner.

2. Mr. K. Chatterjee, Learned Advocate, is appearing for the State.

3. Ms. S. Chakraborty, Learned Advocate, is appearing for the de facto complainant.

4. The victim and the de facto complainant are present in Court. The victim and the de facto complaint submits that though the victim was minor but she was in love affair with the accused and as such the accused has committed the alleged offence and subsequently, the matter was reported the police and the police has initiated the case. Now the de facto

complainant and victim submits that they do not intend to proceed with the case against the petitioner.

5. Learned Counsel for the State submits that at the time of alleged incident the age of victim was 11 and odd years and now she is aged about 14 years.

6. Counsel for the State submits that consent of the minor cannot be taken into consideration. He submits tht as per the evidence collected by the police during the investigation it is prima facie found that accused committed the offence which is heinous in nature.

7. Heard Learned Counsel for the respective parties. This Court has examined the victim and the de facto complaint in person in Court. This Court found the de facto complaint and the victim are not interested to proceed with the case against the petitioner. They have categorically stated that they have no objection if the accused released on bail.

8. This Court finds that though the victim is minor and consent of minor cannot be taken into consideration but the Court has to see whether the prosecution will get any fruitful result if the petitioner is detained in custody further.

9. In the special circumstances the accused may find bail of Rs. 5,000/- with one surety subject satisfaction of the Learned Special Court (POCSO), Siliguri, Darjeeling.

10. If on bail, the petitioner is directed to appear before the Trial Court on each and every date of hearing.

11. CRM (DB) 166 of 2025 is disposed of.

(Krishna Rao, J.)