

24.01.2025

Sl. No.04
SG
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) 728 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kharibari P.S. Case No. 199 of 2021 dated 13.07.2021 under Section 6 of POCSO Act.

And

In the matter of : **Babul Birja.**

... Petitioner.

Ms. Radhika Agarwal,
Mr. Dhiraj Lakhotia,
Ms. Meghna Joshi,
Ms. Khushi Kundu.

...for the petitioner.

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

...for the State

1. Petitioner is in custody for three years and six months. He submits there was a romantic relation between the parties. After victim became pregnant he was falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail. He contends victim was a 14-year-old child.
3. In spite of notice nobody appears for the victim.
4. We have considered the materials on record. We have also gone through the evidence of the victim (PW 1). She stated she and the petitioner cohabited out of love. Admittedly, victim is a minor. However, petitioner has suffered incarceration for more than three and half years. There is little possibility of trial concluding in the near future.

5. Keeping in mind the aforesaid facts, we are inclined to grant bail to the petitioner.
6. Therefore, the accused/petitioner, namely **Babul Birja**, 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, (POCSO Act), Siliguri 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.)