

19.08.19
Sl. No.7
akd
Ct. No. 1
[ALLOWED]

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

C. R. M. 614 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.07.2019 in connection with Mathabhanga Police Station Case No. 221 of 2019 dated 14.06.2019 under Sections 6/18 of the POCSO Act. (POCSO Case No.19 of 2019)

And

In Re: ***Hapijar Mia***

... .. Petitioner

Ms. Suman Sehanabis (Mandal) .. Advocate

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Ld. Addl. Public Prosecutor

Mr. Sagnik Sankar Sikdar .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 6/18 of the POCSO Act.

It is submitted on behalf of the petitioner that he is in custody for about 65 days and that he has been falsely implicated in the instant case. It is further submitted that there is inordinate delay in lodging FIR.

Learned Counsel for the State produces the case diary and opposes the prayer for bail.

Having considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and keeping in mind the nature of allegations in the light of the aforesaid submission relating to delay in lodging FIR, we are of the opinion that further detention of the accused/petitioner is not

necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Hapijar Mia***, 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 the POCSO Act, Mathabhanga, Coochbehar 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 and on further condition that he shall not enter the jurisdiction of Mathabhanga Police Station until further orders except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)

