

28.08.19

Sl. No.6

Ct. No.1

akd

[ALLOWED]

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 749 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.08.2019 in connection with Sitalkhuchi Police Station Case No. 65 of 2019 dated 12.03.2019 under Section 10 of the POCSO Act. (POCSO Case No.11 of 2019)

And

In Re: **Ajamil Barman @ Ajamal Barman**

... .. Petitioner

Mr. Arnab Saha .. Advocate

... .. for the petitioner

Mr. Tapan Bhattacharjee .. Advocate

Mr. Sagnik Sankar Sikder .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Section 10 of the POCSO Act.

It is submitted on behalf of the petitioner that he is in custody for about 179 days and that he has been falsely implicated in the instant case.

Learned advocate for the State opposes the prayer for bail and submits that the victim is a minor aged about seven years.

Having considered the materials on record and keeping in mind the nature of allegations and in view of the period of detention suffered by the petitioner and as trial has not commenced as yet, 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 **Ajamil Barman @ Ajamal Barman**, be released on bail upon furnishing a 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, Cooch Behar 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 Sitalkhuchi 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.)