

28.08.19
Sl. No.10
Ct. No.1
akd
[ALLOWED]

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

C. R. M. 768 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.08.2019 in connection with New Jalpaiguri Police Station Case No. 484 of 2019 dated 21.06.2019 under Sections 376(2)(n)/417/313 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Haidar Ali***

... .. Petitioner

Mr. Sudip Guha .. Advocate

... .. for the petitioner

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

Mr. Sagnik Sankar Sikder .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 376(2)(n)/417/313 of the Indian Penal Code and Section 6 of the POCSO Act.

It is submitted on behalf of the petitioner that he is in custody for about 63 days and that he is in his early twenties. It is further submitted that there was a love affair between the petitioner and the victim and that he has been falsely implicated in the instant case. It is also submitted that investigation is complete.

Learned advocate for the State opposes the prayer for bail and submits that petitioner refused to marry the victim and a child had to be aborted.

We have considered the materials on record. We find that the petitioner and the victim were almost of similar age. In the light of the

aforesaid submission that there was a pre-existing love affair between the parties and in view of the period of detention suffered by the petitioner and as investigation is complete, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Haidar Ali***, 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, 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.

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.)