

29.08.19

Sl. No.4

Ct. No.1

akd

[ALLOWED]

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 771 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 Kotwali Jalpaiguri Police Station Case No. 375 of 2019 dated 09.07.2019 under Section 365 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Meha Madul Haque**

... .. Petitioner

Mr. A. Saha .. Advocate

Mr. Debajit Kundu .. Advocate

... .. for the petitioner

Mr. Ujjwal Luksom .. Advocate

Mr. Biswarup Roy .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Section 365 of the Indian Penal Code and Section 4 of the POCSO Act.

It is submitted on behalf of the petitioner that he is in custody for about 47 days and that there was a love affair between the parties. It is further submitted that the victim has been recovered.

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

Having considered the materials on record and keeping in mind the nature of allegations in the light of the aforesaid submission that there was a love affair between the parties and as the victim left the custody of her parents voluntarily, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Meha Madul Haque**, 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.)