

24.09.2020
Court No. 16
Item No. 5
abhar/kmitra

CRM 6896 of 2020
in
CRAN 1 of 2020
(Via Video Conference)

(allowed)

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure in connection with Sitalkuchi P. S. Case No. 132 of 2019 dated 04.06.2019 under Sections 363/365/109 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In the matter of: Rejal Haque @ Rejaul Haque

..... Petitioner

Mr. Arnab Saha

.....for the Petitioner

Mr. Aditi Sankar Chakraborty, Id. A.P.P.

Mr. Sagnik Sikdar

..... for the State

The learned advocate for the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up.

The application being CRAN 1 of 2020 is accordingly disposed of.

The learned advocate for the petitioner submits that the petitioner, being the brother of one Sirajul Haque, the principal accused, has been languishing in jail for nearly 77 days without any complicity to the alleged offence. It is submitted that there was a love affair between his brother, namely, Sirajul Haque, and the victim lady and the petitioner has been unnecessarily dragged in the instant case and, therefore, should be released on bail.

The learned Additional Public Prosecutor opposes the prayer for bail. It is submitted that the petitioner's name was disclosed in the F.I.R. and also in the 164 statement recorded by the Investigating Officer under section 164 of the Code of Criminal Procedure in presence of the Magistrate. However, he fairly submits that the victim girl did not disclose the name of

the petitioner in her statement.

In view of the above and considering the complicity of the petitioner to the alleged offence and the fact that the principal accused is still in custody, we do not feel that any further custody of the petitioner is required. Apart from the reasons stated above, we further find that the charge sheet has already been submitted but the charges have not been framed as yet. Accordingly, the prayer for bail is allowed.

The petitioner, namely, Rejal Haque @ Rejaul Haque, shall 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 POCSO Act, Mathabhanga, Cooch Behar on condition that he shall attend the case on each day of hearing and in the event of default on a single occasion, it is open to the learned Judge to cancel the bail without any further reference to this Court.

The application being CRM 6896 of 2020 is allowed.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)