

23. 27.07.2021  
Ct.32  
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**C.R.M. 3627 of 2021**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **27/04/2021** in connection with **Raiganj Women Police Station Case No. 168 of 2020** dated **20/11/2020** under Sections **376(3)** of the Indian Penal Code read with Section 6 of POCSO Act.

And

In the matter of: - **Azad Ali @ Ajjat Ali @ Ajjad Ali**  
....petitioner.

Mr. Somnath Banerjee,  
Mr. Pronojit Roy  
...for the petitioner.

Mr. Rana Mukherjee, A.P.P.  
Ms. Sujata Das,  
Ms. Debjani Sahu  
...for the State.

It is submitted on behalf of the petitioner that the petitioner is in custody for about 232 days and trial is yet to commence. The co-accused is still absconding and there is remote chance of the trial commencing at an early date. The petitioner has been falsely implicated and the victim girl has refused to be medically examined after the incident.

Learned Advocate for the State opposes the prayer for bail and refers to the statement of the victim girl under Section 164 of the Code of Criminal Procedure besides other documents.

We have considered the material on record. The victim girl, who was about 15 years of age at the time of the alleged incident, has refused to be medically examined. Investigation is complete and charge-sheet has been submitted. Trial is yet to

commence and it is reported that the co-accused is still absconding.

Having considered the period of detention of the petitioner, nature of offence as well as the nature of statement of the victim girl under Section 164 of the Code, we are inclined to hold that further detention of the petitioner is not necessary and he may be granted bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Special Judge (POCSO Act), Raiganj, Uttar Dinajpur on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once in every ten days until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner will not try to meet or in any way intimidate the victim girl. The petitioner is further directed not to intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail being C.R.M. 3627 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Suvra Ghosh, J.)**

**(Arijit Banerjee, J.)**