

(Via Video Conference)

CRM 4037 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kashipur Police Station Case No. 176 of 2018** dated **16.05.2018** under Section **6** of the POCSO Act.

- A n d -

In the matter of : Jakir Gazi

.... Petitioner.

Ms. Sonali Das

... For the Petitioner.

Mr. S. G. Mukherji, Ld. PP
Mr. N. Ahmed

Mr. Md. Anwar Hossain
Ms. Sreyashee Biswas

... For the State.

The petitioner has been charged with offence punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012. He is in custody for 3 years and 3 months.

The petitioner says that there was an affair between the petitioner and the victim girl. The petitioner at all material times was and is still ready and willing to marry the victim girl who apparently delivered a child. However, the girl's family members are not agreeable.

We have seen the material in the case diary including statements recorded under Section 164 of the Code of

Criminal Procedure. We have also seen the victim girl's statement.

Charge-sheet has been submitted. Trial is in progress. However, two out of 18 witnesses have been examined till now. It is anybody's guess as to when the trial will conclude. The petitioner has been in custody for a substantial period of time.

On an overall assessment of the facts and circumstances of the case, since in our view further custodial detention of the petitioner is not necessary, we are inclined to allow the petitioner's prayer for 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 the Learned Additional Chief Judicial Magistrate, Baruipur and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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 is, accordingly, allowed.

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.)