

15.03.2021.
09.
mb
(Allowed).

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM 299 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.03.2021 in connection with Sessions (POCSO) Case No.73 of 2018 arising out of Banarhat Police Station Case No. 142 of 2018 dated 21.06.2018 under Sections 376D/313/314/315/34 of the Indian Penal Code read with Section 06 of the Protection of Children from Sexual Offences Act, 2012.

In the matter of : Fajiruddin Mia @ Bhondra & Anr.
... Petitioners.

Mr. Debasish Mukhopadhyay
...for the Petitioners.

Ms. Aditi Shankar Chakraborty,
Ms. Namrata Das
.....for the State.

Heard learned counsel appearing for the parties.

Learned counsel for the petitioners submits that the petitioners are on same footing with the other co-accused persons in this case, who had been granted bail by the court below.

Learned counsel appearing for the State opposes the prayer for bail.

Having considered the materials on record and in view of the fact that the petitioners are on same footing with the other co-accused persons in this case, who had been granted

bail by the court below, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners, namely, Fajiruddin Mia @ Bhondra and Amir Hossain @ Bengali, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, to the satisfaction of the Judge, Special Court (under POCSO Act), Second Court at Jalpaiguri, subject to the condition that the petitioners shall appear before the trial court on every date of hearing and shall not leave the jurisdiction of that court without prior permission of the Court.

In the event the petitioners fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application, being CRM 299 of 2021, is disposed of.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)