

10.08.2021
Item no.3.
Court No.32.
AB
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
(Via Video Conference)**

CRM No. 648 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 07.06.2021 in connection with Mekhliganj Police Station Case No.22 of 2021 Dated 01.02.2021 under Sections 363/365/376 of the Indian Penal Code

And

In the matter of : Ijaj Alam

.....Petitioner.

Mr. Hillol Saha Poddar,
Mr. Bablu Mitra

.....for the Petitioner.

Mr. Kallol Acharjee,
Ms. Namrata Das

.....for the State.

The prosecution case is that the petitioner by fudging his identity induced the victim girl to accompany him to various places. Ultimately, the victim girl found out the petitioner's actual identity. There was difference in religion. It is alleged that by misleading the victim girl, the petitioner established physical relationship with her. The petitioner has been charged under Sections 363/365 of the Penal Code and subsequently Section 376 of the Code was added. The petitioner is in custody for 188 days.

We have seen the statement of the victim girl in the case diary. We have considered the other material in the case diary including the medical report.

On an overall assessment of the facts and circumstances of the case and in view of the fact that charge sheet has already been submitted, we are inclined to allow the prayer of the petitioner.

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, Mekhliganj, and on further conditions that he shall remain within 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.)