

02.11.2021.
Item No. 13
Sc/ap (granted)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

C.R.M. 1056 of 2021
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.10.2021 in connection with New Jalpaiguri Police Station Case No. 348 of 2021 dated 12.04.2021 under Section 302 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Charge-sheet No. 403 of 2021 dated 18.06.2021 under Section 305 of the Indian Penal Code.

And

In the matter of : **Dildar Alam @ Julfikar Alam @ Julu.**
...petitioner

Ms. Jeenia Rudra,
Ms. Saheli Dey. ...For the petitioner

Mr. Nilay Chakraborty.For the State

The bail is sought on the ground that although an FIR was lodged under Section 302 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012, the charge-sheet has been filed under Section 305.

The brief facts relevant to the case are that after marriage was fixed, the victim and the petitioner, had physical relations and the victim subsequently committed suicide.

This Court is of the view that the petitioner may be enlarged on bail on stringent conditions.

Accordingly, let the petitioner be released on bail to the satisfaction of the learned Additional Sessions Judge (Under the POCSO Act), 2nd Court, Jalpaiguri upon

furnishing a bail bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of like amount, one of whom must be local, subject to the condition that after release, the petitioner shall not enter within the jurisdiction of New Jalpaiguri Police Station except for the purpose of attending the court proceedings and before release, he must intimate the Officer-in-charge of that Police Station where he shall reside and also meet the Officer-in-charge of the concerned Police Station on every alternate day, until further orders.

It is further directed that the petitioner shall deposit his passport, if any, to the Officer-in-Charge of New Jalpaiguri Police Station.

It is also directed that the petitioner shall remain present in the Court below on each date fixed.

We make it clear that if the petitioner fails to make himself available before the Trial Court, the bail shall stand cancelled and he shall be taken into custody without any further reference to this Court.

Needless to mention that if such situation arises, then in that case, before taking any step, the petitioner must be given a reasonable opportunity of hearing.

Hence, the application for bail is allowed and C.R.M. No. 1056 of 2021 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(*Kesang Doma Bhutia, J.*)

(*Rajasekhar Mantha, J.*)