

13.01.2022
Item no.24.
Court No.1.
AB
(Allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM (DB) 8 of 2022

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Banarhat Police Station Case No.236 of 2021 Dated 12.07.2021 under Sections 6/10 of the POCSO Act

And

In the matter of: Md. Alam @ Alamgir Miah

.....Petitioner.

Mr. J. K. Bhowmikfor the Petitioner.

Mr. Abhijit Sarkar,
Ms. Namrata Dasfor the State.

Ms. Debi Sarkarfor the Defacto complainant.

The petitioner says that the disputes have been resolved between the parties.

The defacto complainant, who is the father of the victim girl, is represented through learned Advocate. She says that it is correct that the disputes have been amicably resolved.

Learned Advocate for the State vehemently opposes the prayer for bail.

Even otherwise, we have seen the material in the case diary. Prima facie, the petitioner has an arguable case for acquittal. He is in custody for about 150 days. Charge sheet has been submitted upon completion of investigation.

In view of the aforesaid, we are of the view that further detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, Md. Alam @ Alamgir Miah shall be released on bail upon furnishing a bond of Rs.5,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act at Jalpaiguri, 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 being C.R.M. (DB) 8 of 2022 is, thus, allowed.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)

