

07.07.2022
Court No.1
Item No.5
pk/AP

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(DB) 195 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Jalpaiguri P.S. Case No. 1231 of 2021 dated 16.11.2021 under Sections 363/365 of the IPC and Section 6 of the POCSO Act.

And

In the matter of: **Md. Hafijul @ Hapijul Hoque @ Md. Hapijul**
....petitioner.

Mr. Arijit Ghosh

...For the petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Ujjwal Luksom
Mr. Biswarup Roy

...For the State.

Counsel for the petitioner submits that the petitioner is in custody for about 230 days. It is submitted that the victim and the petitioner had a love affair over a period of time and physical relations were consensual and without force. It is also submitted that the victim had voluntarily eloped with the petitioner out of love.

Counsel for the State opposes the prayer for bail.

Having considered that the victim girl was about 16 years of age at time of the incident, the case diary and the medical documents on record, this Court is inclined to allow the prayer for bail.

Let the petitioner 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 Special Judge under POCSO Act, Jalpaiguri subject to the condition that during bail he shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that he shall meet the Officer-in-charge of concerned Police Station once in a week until further orders and on further condition that the petitioner shall not leave the jurisdiction of concerned police station and shall not access to the victim in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of. The case diary is returned.

(Rajasekhar Mantha, J.)

(Ananda Kumar Mukherjee, J.)