

17.           06.07.2023  
Court  
No.1           Tanmoy Ghosh

Allowed

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

**CRM (DB) 370 of 2023**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Rajganj Police Station Case No. 90 of 2022** dated **11.01.2022** under Sections **363/365/506** of the Indian Penal Code, 1860, read with Section **4** of POCSO Act, 2012. POCSO case No. **07/22**.

And

In the matter of: - **Alef Hossain**

...petitioner.

Mr. Jaydeep Kanta Bhowmik, Adv.,  
Mr. Sayantan Bhowmik, Adv.,  
Ms. Rikta Sarkar, Adv.

...for the petitioner.

Mr. Ujjwal Luksom, Adv.,  
Ms. Namrata Das, Adv.

...for the State.

Heard learned Advocate for the petitioner and learned Advocate for the State at length.

At the very outset, learned Advocate for the present accused/petitioner submits before this Court that the allegation as made out in the FIR is excessively exaggerated since the present accused/petitioner had a love affair with the victim girl. It is contended that considering the long detention of the present accused/petitioner and also considering that investigation has been completed, the present accused/petitioner may be enlarged on bail on any condition whatsoever.

Learned Advocate for the State opposes the prayer for bail.

We have perused the available material in the case diary including the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure, 1973. Admittedly, in such statement there are some incriminating materials available against the present accused/petitioner but there are also statements that the victim was in a relationship with the present accused/petitioner.

Such being the position and keeping in mind that investigation has already been completed, we consider that this is a fit case to exercise our discretion in favour of the present accused/petitioner.

Accordingly, we direct that the present accused/petitioner, namely, **Alef Hossain**, shall be released on bail upon furnishing a bond of Rs. 10,000/- with two registered sureties of like amount each, to the satisfaction of the learned Judge, Special Court (under POCSO Act), Jalpaiguri, on condition that the present accused/petitioner shall not leave the territorial jurisdiction of the learned trial Court till conclusion of trial unless permitted by the said Court together with a further condition that the present accused/petitioner shall not commit any threat, endorsement or intimidation either to the victim girl, or to her family members.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any 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 CRM (DB) 370 of 2023 is accordingly allowed and disposed of.

**(Arijit Banerjee, J.)**

**(Partha Sarathi Sen, J.)**