

21.09.2023

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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (DB) 574 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2023 in connection with Mathabhanga Police Station Case No. 220 of 2020 dated 02.07.2020 under Sections 363/365 of the Indian Penal Code with adding Section 6 of the POCSO Act.

In the matter of : Rahul Hussain @ Rahul Hossain
... petitioner

Mr. Bikash Singh
...for the petitioner

Mr. Chattu Roy
.....for the State.

1. Learned counsel appearing for the petitioner contends that petitioner was 27 years of age and the victim girl was about 17 years of age at the relevant point of time. It is also submitted that there was a relationship between the two. Moreover, the petitioner is languishing in jail for more than three years.
2. The learned advocate appearing for the State opposes the prayer for bail and submits that as per the statement made under Section 164 of the Criminal Procedure Code and other surrounding circumstances, the gravity of the offence of the petitioner is serious.

3. Be that as it may, keeping in view the long period of custody of the petitioner, we are inclined to grant bail to the petitioner.
4. Accordingly, CRM (DB) 574 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish 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 Court (under POCSO Act) at Mathabhanga, Coochbehar. The petitioner shall not leave the territorial jurisdiction of the Trial Court during the entire period of trial and shall attend on each and every date of trial.
5. Moreover, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.
6. Throughout the period of trial, the petitioner shall not, in any manner whatsoever, attempt to contact the victim and/or come to the close proximity of the residence of the victim.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)