

16.11.2023

Serial no.9

Court No.1

(CHC)

(Allowed)

*Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side*

CRM (DB) 638 of 2023

*In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Falakata** Police Station Case No. **233 of 2023** dated **25.05.2023** under Sections **363/365/328/376D/506** of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children From Sexual Offence Act, 2012.*

-And-

In the matter of : **Abdul Halim**

... .. Petitioner

*Mr. Sourav Ganguly, **Advocate***

Mr. Bibek Tarafder, Advocate

Mr. Gopal Roy, Advocate

... .. For the Petitioner

*Mr. Abhijit Sarkar, **Advocate***

Mr. Arjun Chowhury, Advocate

*... ..For the **State***

Petitioners prays for bail.

Learned advocate appearing for the petitioner submits that one co-accused was granted bail by the co-ordinate Bench in CRM (DB) 557 of 2023 dated September 22, 2023. He submits that, the victim did not name the petitioner as the person involved in the incident.

Learned advocate appearing for the State refers to the materials in the Case Diary. He submits that, there are sufficient materials incriminating the petitioner in the incident.

We find from the records that the co-ordinate Bench in CRM (DB) 557 of 2023 granted bail to the co-accused on September 22, 2023.

The petitioner being involved in the same incident and since the petitioner stands on a better footing if not on the same footing as that of the co-accused who was granted bail by the coordinate Bench we extend same facility to the petitioner.

Accordingly, CRM (DB) 638 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs.20,000/- (Rupees Twenty Thousand), 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 Alipurduar. 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.

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.

However, the petitioner shall not try to establish any contact or meet the victim girls in any manner whatsoever during the entire period of trial.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)