

44. 19.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2823 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Raiganj** Police Station Case **No.538/2023** dated **18.05.2023** under Sections **363** of the Indian Penal Code read with Section **4** of POCSO Act, 2012.

And

In the matter of: - **Azijul Khan @ Ajijul Khan**

...petitioner.

Mr. Ashok Das
Mr. Sourav Mukherjee
Ms. Ayana Dey
Ms. Hasi Jana

...for the petitioner.

Ms. Amita Gaur
Ms. Ratna Ghosh

...for the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State be kept with the records. In spite of service nobody appears for the *de facto* complainant/victim girl.
2. The petitioner says that there was a love affair between him and the victim girl who was just below 18 years of age at the time of the incident. The victim girl, on her own volition, went with him and they got married. He is in custody for 200 days. Charge has been framed already. His further custodial detention is unnecessary.
3. Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the material in the case diary.

4. We have seen statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973. She refused medical examination.
5. On an overall consideration and assessment of the material on record and the fact that investigation is complete and the petitioner is in custody for quite some time, we are inclined allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Azijul Khan @ Ajijul Khan** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under POCSO Act, Raiganj, Uttar Dinajpur, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the territorial jurisdiction of Raiganj Police Station, Uttar Dinajpur except for the purpose of attending Court proceedings and shall furnish his local address, where he will be residing, to the Officer-in-Charge of Raiganj Police Station, Uttar Dinajpur as well as to the Officer-in-Charge of Khejuri Police Station, Purba Medinipur and shall also meet the Officer-in-Charge of Khejuri Police

Station, Purba Medinipur, once in a fortnight, until further orders.

7. 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 his bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (DB) 2823 of 2024 is accordingly disposed of.
9. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)