

24.12.2024
Item no.71.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3857 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, in connection with **Tapan Police Station Case No. 145 of 2024** dated **19.03.2024** under **Sections 363/365/34 of the Indian Penal Code 1860 and under Section 6** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

**In the matter of : Aijul Sarkar @ Ajijul Molla @ Ajizul.
.....Petitioner.**

Mr. Kaushik Chaudhury,for the Petitioner.

Mr. Abhishek Verma,for the State

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 274 days. He has been falsely implicated. There was an amorous relationship between him and the victim girl. The victim girl voluntarily ran away with him. He prays for bail.
2. Learned State counsel, while opposing the prayer for bail, draws our attention to the material in the case diary.
3. We have seen the statement of the victim girl recorded under Section 164 Cr.P.C. She unequivocally says that on her own volition she went away with the petitioner and established physical relationship with him.

4. In view of the aforesaid, we see no reason to further detain the petitioner in custody.
5. Accordingly, we direct that the petitioner, namely, **Aijul Sarkar @ Ajijul Molla @ Ajizul** shall 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 Judge, Special Court (under POCSO Act), Balurghat, Dakshin Dinajpur subject to the conditions 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 Nararik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without 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.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)