

22.04.2024
Court No.01
Item No. 37

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

Allowed

sg

CRM (DB) 132 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ghoksadanga Police Station Case No. 465 of 2022 dated 10.12.2022 under Section 363/365 IPC adding section 6 of the POCSO Act.

And

In Re: **Sariful Alam @ Mia**

Petitioner

Mr. Prajnadeepta Roy,
Mr. Naser Ali,
Mr. Debojyoti Goswami,

For the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Sourav Ganguly,
Mr. Dhiman Sil,

For the State

1. Affidavit of service filed in Court today is taken on record.
2. It is submitted on behalf of the petitioner that the petitioner is in custody for 497 days and the petitioner may be released on bail.
3. The learned Counsel for the State opposes the prayer for bail.
4. In view of the statement of the victim girl recorded under section 164 of the Code of Criminal Procedure, which, prima facie, shows a love relationship between the parties and having regard to the fact that the charge-sheet has already been filed and also considering the fact that the petitioner is in custody for 497 days, we are of the view that the custodial detention of the petitioner is not necessary. Hence, we grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Sariful Alam @ Mia** 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 Special Court under POCSO Act, Mathabhanga, Coochbehar subject to condition that he shall regularly appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause or violates any condition given above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail of the petitioner is allowed. CRM (DB) 132 of 2024 is, accordingly, disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)