

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

05.07.2024
Court No.1
(D/L 13)
(Allowed)

CRM (DB) 309 OF 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 26.06.2024 in connection with New Mekhliganj Police Station Case No.201 of 2024 dated 28.05.2024 under Sections 363/365 of IPC read with Section 6 of POCSO Act, 2012 in connection with Session (POCSO) Case No.6 of 2024.

And

In the matter of: **Ajibul Md.**

... Petitioner.

Mr. Sourav Kar

...for the petitioner

Mr. Abhijit Sarkar
Ms. Namrata Das

... for the State.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and he is in judicial custody since 29th May, 2024. Investigation has substantially progressed and no further detention of the accused in custody is necessary.

Learned counsel appearing for the State opposes the prayer for bail.

We have considered the case diary as well as statements recorded under Section 164 of the victim girl. The victim girl has also refused to undergo medical examination. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 Id. Additional Chief Judicial Magistrate, Mekhliganj, subject to the conditions that the petitioner shall appear before the Trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the Trial Court without justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without reference to this Court.

The application for bail is accordingly, allowed.

[MD. SHABBAR RASHIDI, J.]

(RAJARSHI BHARADWAJ, J.)