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12-11-2024
(ct. no.01)
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(Allowed)

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

CRM (DB) No. 563 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 **Siliguri Police Station Case No. 770 of 2023** dated **17.09.2023** under **Sections 363/365** of the Indian Penal Code, 1860 and **Section 6** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

**In the matter of : Md. Sahmad Ali @ Samir Allah @
Samd Ali.**

Mr. Somraj Paul,**Petitioner.**
.....for the Petitioner.

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated in this case. He has no role to play in the alleged offence. The victim girl has already been examined. His further custodial detention is completely unnecessary. There is no chance of an early conclusion of the trial.
2. Opposing the prayer for bail, learned State advocate draws our attention to the deposition of the victim girl. She does implicate the petitioner. However, that is a matter of merits.
3. We find that the petitioner is in custody for about 385 days. There are 17 chargesheet named

witnesses. Only one prosecution witness has been examined. There is no real possibility of an early conclusion of the trial. In our view no useful purpose will be served by continuing to detain the petitioner in judicial custody.

4. Accordingly, we direct that the petitioner, namely, **Md. Sahmad Ali @ Samir Allah @ Samd Ali** 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), Siliguri, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the concerned police station once in every week until further orders and on further condition that he shall not meet with any person acquainted with the facts of the case.
5. 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.
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.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)