

25.11.2024
Ct. No. 01
SL No. 88
Cp

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

CRM (DB) No. 579 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Pundibari Police Station Case No. 663 of 2024 dated 25.08.2024 under Sections 137(2)/140(3)/49 of the B. N.S., 2023 and added Section 8 of the POCSO Act, 2012.

And

In the matter of: Serajul Haque @ Sirajul Miya

Mr. Surajit Basu
Mr. Debajit Kundu
Ms. R. Chakraborty

... for the petitioner

Mr. Nilay Chakraborty
Mr. Aniruddha Biswas

...for the State

Ms. Panchali Deb Nag Sikdar
Mr. Shubhankar Dutt

.....for the de facto complainant.

1. Learned advocate for the petitioner prays for bail. He submits that no section for trafficking of the alleged victim has been invoked by the prosecution. He further submits that the present petitioner has been falsely implicated. The petitioner is in custody for 92 days. Charge-sheet has been submitted.
2. Learned advocate for the State produces the C.D. and vehemently opposes the prayer for bail.
3. Learned advocate for the de facto complainant also strongly objects to the prayer for bail and submits that the petitioner is a married person and if such person is enlarged on bail, a wrong signal will be sent to the society.

4. Heard learned advocates for the respective parties and perused the materials on record. Considering the materials available in the CD including the statement of the victim recorded under Section 164 of the Cr.P.C. as well as the medical report, we are of the view that further detention of the petitioner will not serve any purpose.
5. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, POCSO Court, 2nd Court, Cooch Behar, subject to the condition that petitioner shall appear before the learned Trial Court on each and every date of hearing until further order and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner will not enter the jurisdiction of the police station within which the victim resides.
6. In the event the petitioner fails to comply with the conditions as enshrined hereinabove, 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 is, thus, allowed and disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)