

25.11.2024
SL No.92
s.biswas
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (DB) 589 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Rajganj** P.S. Case No. **102/2022** dated **16.01.2022** under Sections **363/365/506/34** of the Indian Penal Code read with Sections 12/17 6 of the POCSO Act.

And

In the matter of: **Hyder Ali @ Haidar Ali @ Huidar Ali**
.....Petitioner

Mr. Kumar Shantanu
Ms. Puja Chakraborty
Ms. Nikita Paul

...for the Petitioner

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

...for the State

1. The learned counsel representing the petitioner submits that a love affair developed between the petitioner and the victim. Following such affair, they left their respective houses voluntarily. The petitioner submits that after the incident, the victim has tied the knot with another person. The charge-sheet has been submitted. Hence, the petitioner be released on bail.
2. Learned counsel appearing on behalf of the state has produced the case diary and has vehemently opposed the prayer for bail.

3. Upon considering the materials in the case diary, upon considering the period of incarceration (2 years 9 months), the evidence of the victim recorded under Section 164 of the Cr.P.C. and the fact that the charge-sheet was submitted in 2022 but trial has not commenced and as there is no possibility of conclusion of trial in the near future, we are of the view that further detention of the petitioner is not required.
4. Accordingly, 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 the Learned Judge, Special Court under POCSO Act, 2nd Court, Jalpaiguri, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner will not enter within the jurisdiction of the police station within which the victim resides.
5. In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this Court.
6. The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)

