

28.11.2024
SL No.21
srm/Mujahid
(Allowed)

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

C.R.M. (DB) 628 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **21.11.2024** in connection with **Dhupguri** P.S. Case No. **367/2024** dated **15.09.2024** under Section 12 of the Protection of Children from Sexual Offences Act, 2012 read with Sections 319(2)/351(3) of the B.N.S.

And

In the matter of: **Afijul Hussain**

....Petitioner

Mr. Bibek Tarafder,
Mr. Gopal Roy

...for the petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das

...for the State

Ms. Rishita Chakraborty

...for the de facto complainant

Affidavits-of-service are taken on record.

The petitioner is in custody for 74 days.

De facto complainant is present in court and represented by learned Advocate. She does not oppose the prayer for bail.

Learned Advocate for the State submits that the petitioner had committed offences under Section 12 of the POCSO Act.

We have perused the statements recorded under Section 164 of the Cr.P.C. corresponding to Section 183 of the B.N.S. The age of the petitioner is 18 years and the age of the victim is 15 years. Primary allegation is that the petitioner chatted with the victim by calling himself Rahul and not his actual name.

Under such circumstances, as the charge-sheet has already been submitted, we do not think that further detention of the petitioner is necessary. The prayer for bail is allowed.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of equal amount each, to the satisfaction of the learned Special Judge under POCSO Act, Jalpaiguri. The petitioner will attend the learned trial court on the dates fixed by court until furthurs of the said court. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner will not communicate with the victim in any manner whatsoever and will not enter any area within 2 kms. radius of the victim's house.

In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the learned trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)