

24.01.2025

Sl. No.06
SG
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) 12 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Phansidewa P.S. Case No. 395 of 2024 dated 04.10.2024 under Sections 363/376/323/34 of IPC and SectionS 12/4 of POCSO Act.

And

In the matter of : **Md. Samad Ali.**

... Petitioner.

Ms. Ditisha Chowdhury.

...for the petitioner.

Mr. Abhijit Sarkar.

Ms. Sukanya Adhikary.

...for the State

1. Heard learned Advocates for the parties.
2. Victim is present in person.
3. We have considered the materials on record including the statement of the victim. She states there was free mixing between two young persons. Subsequently, petitioner refused to marry. Petitioner contends marriage as per personal law had been performed. This issue may be thrashed out during trial.
4. Keeping in mind the peculiar circumstances which divulge free mixing between two persons, we are of the opinion further detention is not necessary and petitioner may be enlarged on bail.

5. Therefore, the accused/petitioner, namely **Md. Samad Ali**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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 –cum- learned Additional District and Sessions Judge, 1st Court, Siliguri subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.
6. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)