

12.02.2025
Court No.01
rpan/21

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

CRM (DB) 59 of 2025

In Re : **Md. Guljar @ Md. Gulzar**
- Petitioner

Mr. Arunava Paul
... for the petitioner.
Mr. Abhijit Sarkar,
Mr. Biswarup Roy
... for the State.
Mr. Avimannu Das
... for the victim girl.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Matigara Police Station Case No. 478 of 2024 dated 08.08.2024 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 [Special (POCSO) Case No. 86 of 2024].

Mr. Paul, learned advocate appearing for the petitioner submits that the allegations levelled against the petitioner are unfounded inasmuch as there was a consensual relationship between the petitioner and the victim. The complaint was not lodged by the victim or by her family member. The victim has given birth to a child. Upon completion of investigation, chargesheet has already been submitted and in view thereof, further detention of the petitioner, who is suffering incarceration since 20th November, 2024, may not be necessary.

Such contention of the petitioner has not been disputed by Mr. Das, learned advocate appearing for the victim girl.

Mr. Roy learned advocate appearing for the State submits that there are incriminating materials on record against the petitioner.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submissions made on behalf of the parties and in view of the fact that upon completion of investigation chargesheet has already been submitted, we are of the opinion that there is no requirement for any further detention of the petitioner.

In view thereof, we allow this application and direct that the petitioner, namely, **Md. Guljar @ Md. Gulzar** 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 (POCSO Act), Siliguri.

The application for bail, being CRM (DB) 59 of 2025, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Prasenjit Biswas, J.)

(Tapabrata Chakraborty, J.)