

18.09.2020.
54.
as
(Allowed).

C.R.M. 6864 of 2020
With
C.R.A.N.1 of 2020

(Via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sonarpur P. S. Case No.2017 of 2015 dated 09.12.2015 under Sections 376(2)(i)/506(II) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Nemaï Mondal.

.... Petitioner.

Mr. Deepak Prahladka,
Mr. Sarrfaraz Hossain.

...for the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.

...for the State.

Heard the learned Advocate appearing for the petitioner.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application, being CRAN 1 of 2020, is disposed of.

Petitioner is in custody for about five years and has been falsely implicated due to private disputes. It is further submitted that there is little possibility of the trial concluding in near future. He renews his prayer for bail.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioner had violated two minor victims.

We have considered the materials on record. Evidence of the vulnerable witnesses have already been recorded. Petitioner is in custody for a protracted period of time. There is little possibility of trial concluding in near future.

In view of such fact, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner, viz., Nema Mondal 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 Chief Judicial Magistrate, South 24-Paraganas at Alipore subject to condition that the 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 and on further condition that the petitioner shall not enter the jurisdiction of Sonarpur Police Station except for the purposes of attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and shall report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at

liberty to cancel their bail in accordance with law without further reference to this Court.

The application, being C.R.M.6864 of 2020, is disposed of.

All concerned parties shall act in terms of the copy of the downloaded from the official website of this Court.

(Suvra Ghosh,J.)

(Joymalya Bagchi , J.)