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24-11-2020

Court 12

C.R.M. 8974 of 2020

(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ashokenagar Police Station Case No. 850 of 2019 dated 25.12.2019 under Sections 376 of the Indian Penal Code and Section 4 of the POCSO Act.

Monirul Mondal

Versus

State of West Bengal

Allowed

Mr. Sunigdho Bhattacharyya, Adv.

...for the petitioner.

Mr. Rana Mukherjee, Adv.

Mr. Pradipto Ganguly, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within 48 hours of resumption of normal functioning of the Court. The petition is taken up through videoconference on the basis of such undertaking.

The learned Counsel for the petitioner submits that the petitioner has a love relationship with the victim.

The learned Counsel for the State, however, opposes the prayer for bail and submits that the involvement of the petitioner in the commission of the alleged offence is apparent from the statement recorded under Section 164 of the Code of Criminal Procedure.

Considering the materials made available along with the case diary and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and having regard to the fact that the charge-sheet has already been filed and the petitioner is in custody for more than ten months, we feel that the further detention of the petitioner may not be necessary and the petitioner may be granted bail.

Accordingly, the petitioner shall be released on bail upon furnishing a 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 Additional Chief Judicial Magistrate, Barasat, North 24-Parganas subject to the condition that during bail, the petitioner shall meet the I.O. of this case once in a week and shall appear before the learned trial court on every date fixed for hearing till the disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever and also subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

On the assurance of the learned Advocate representing the petitioner that the petitioner is willing to marry the victim girl on attaining majority, the trial court may postpone the trial till the girl attains majority and proceed with the matter thereafter in accordance with law.

In the event the petitioner acts in breach of his assurance as recorded through his learned Counsel, it would be open for the trial court to cancel the bail without any further reference to this Court.

The application for bail is thus allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)