

C.R.M. 9611 of 2020

(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Krishnagar Kotwali P.S. Case No. 747 of 2020 dated 11.10.2020 under sections 376/511 of the Indian Penal Code and section 8 of the POCSO Act.

And

In the matter of : Sabuj Baran Mondal

Mr. Prabir Majumder

... ... for the petitioner

Mr. Tanmay Kr. Ghosh

Mr. Arindam Sen

... ... for the State

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission that he has been falsely implicated in the instant case and in view of the period of detention suffered by the petitioner, we are of the opinion though further detention is not necessary, movement of the petitioner requires to be restricted in order to instill confidence in the mind of the minor victim.

Accordingly, the petitioner 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 under POCSO Act, Krishnagar, Nadia subject to the condition that the petitioner shall not enter the jurisdiction of Krishnagar Kotwali Police Station except for the purpose of attending

Court proceedings and shall provide the address where he shall presently reside 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 presently reside and 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.

In the event the petitioner fails to do so without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

The application for bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)