

25.02.2021.
Item no. 29.
Court No.13
sp

**W.P.A. No. 3847 of 2020
(Through Video Conference)**

**Bahadur Mondal
Versus
State of West Bengal & Ors.**

Mr. Sarwar Jahan,
Mr. Asraf Mondal,
Mr. Debanshu Ghorai.

...For the petitioner.

Mr. Susanta Pal,
Mr. Prabir Roy.

..For the State.

The petitioner was working as Civic Volunteer under Tehatta Police Station, Nadia. He was implicated in a criminal proceeding under Section 376 read with Section 417 of the Indian Penal Code in Palashipara Police Station Case No. 126 of 2019. A charge sheet No. 156/2019 dated August 3, 2019 has also been filed against the petitioner.

While granting bail to the petitioner, the learned Additional Sessions Judge, Tehatta, Nadia observed as follows;

*Considered. Investigation of the case is going on. The de-facto complainant herself is a married lady and from nowhere it can be inferred that she has been given divorce. The allegation of rape with promise of marriage or failure/denial on part of accused to marry the victim lady inspires no credence. The nature of allegation coupled with period of detention do not warrant further detention of the accused person. Thus I am inclined to grant bail to him. The accused person namely **Bahadur Mondal find bail of Rs. 5,000/- with two sureties of Rs. 2,500/- each**, to the satisfaction of Ld. A.C.J.M., Tehatta.*

The petitioner after being enlarged on bail has applied to the I.C. Tehatta Police Station, Nadia to continue engagement which remains unconsidered till date.

In the light of above, the S.P., Nadia shall consider the petitioner's case for re-engagement in the light of the Rules applicable to Civic Volunteers and after considering the records of the criminal case against the petitioner and also the observation of the learned Additional Sessions Judge, Nadia referred to hereinabove.

It is expected that the S.P., Nadia shall dispose of the aforesaid matter within a period of 2 months from the date of communication of a copy of this order-uninfluenced by any observation made hereinabove.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

Instruction of Government Pleader issued by the Inspector-in-Charge, Tehatta Police Station, Nadia dated 13.03.2020 be kept with the record.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)

