

75. 30.09.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4753 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **12/07/2021** in connection with **Special Case No. 159 of 2020** arising out of **Narendrapur Police Station Case No. 1111 of 2020** dated **15/11/2020** under Sections **363/365/366/376** of the Indian Penal Code read with Section **6** of the POCSO Act, 2012.

And

In the matter of: - **Rahul Mondal**

....petitioner.

Mr. Jaydeep Biswas,
Mr. Soumyadeep Das,
Mr. Kaushik Ghosh

...for the petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta

...for the State.

The petitioner, about 19 years old, says that he had a love affair with the victim girl, about 17 and half years old. They got married. Being annoyed, the victim girl's mother filed this false complaint with the allegation that the petitioner kidnapped the victim girl.

We have seen the victim girl's statement recorded under Section 164 of the Code of Criminal Procedure. Her statement completely corroborates the petitioner's submission.

On an overall assessment of the material on record and considering that charges have been framed and the petitioner is in custody for 288 days, we are of the view that the petitioner's further custodial detention is not necessary.

Accordingly, we direct that the petitioner *viz.*, **Rahul 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 learned Judge, Special Court under POCSO Act, Baruipur, South 24-Parganas, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner will not commit any cognizable offence in future.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being C.R.M. 4753 of 2021 is, accordingly, disposed of.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)