

550 09.11.2021
AD Ct. No.29
(Allowed)

C.R.M. 5233 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **06/08/2021** in connection with **Baruipur** P.S. Case No. **83 of 2021** dated **09/04/2021** under Sections **363/365** of the Indian Penal Code which ended up in charge sheet no.101/2021 dated 30.06.2021 under Sections **363/365/376** of the Indian Penal Code and Section **6** of the Protection of Children from Sexual Offences Act.

And

In the matter of: Monirul Khan alias Kele

....petitioner.

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

...for the petitioner.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner draws the attention of the Court to the statement recorded under Section 164 of the Code of Criminal Procedure of the victim girl.

None appears for the State.

The bail petition is pending since August, 2021. Repeated requests to the Public Prosecutor and the Additional Public Prosecutors to ensure that the State is represented when the matters are called on did not evoke any response despite their continued assurances.

In such circumstances, in absence of any material being placed on behalf of the State implicating the petitioner and in view of the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, we grant bail to the petitioner.

Accordingly, the petitioner 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, Baruipur, South 24

Porganas subject to the condition that during bail he shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being C.R.M. 5233 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)