

39. 08.09.2021
Ct.32
Tanmoy
Allowed

C.R.M. 5810 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **25/08/2021** arising out of **Bankura Sadar Police Station Case No. 39 of 2020** dated **19/02/2020** under Sections **363/365/506** of the Indian Penal Code adding Sections **4/6** of the POCSO Act, 2012. Charge-sheet under Sections **363/365/506/376(3)** of the Indian Penal Code read with Sections **4/6** of the POCSO Act, 2012.

And

In the matter of: - **Mongal Bauri**

....petitioner.

Mr. Samiran Mondal,
Mr. Abhinaba Dan

...for the petitioner.

Mr. Rana Mukherjee, Ld. A.P.P.,
Ms. Sujata Das

...for the State.

This is a case under Sections 363/365/506 of the Indian Penal Code adding Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

Learned Advocate for the petitioner submits that there are no such specific allegations and he has been languishing in custody for the last 222 days.

Learned Advocate appearing on behalf of the State draws our attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and he submits that there are no such specific allegations as is falling out of the statement of the victim.

We have heard the learned Advocates for the petitioner and the State and also perused the material in the Case Diary. It

is found from the statement of the victim recorded under Section 164 of the Code of Criminal Procedure that there are no such specific allegations recorded against this petitioner and furthermore, the victim is residing along with the petitioner for the last one year.

On an overall assessment of the material in the Case Diary and keeping in mind the period of detention, we are inclined to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner *viz.*, **Mongal Bauri** 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 Chief Judicial Magistrate, Bankura, on condition that the petitioner shall appear before the trial Court on each and every date of hearing during trial 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 shall not commit similar 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. 5810 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.)

(Sabyasachi Bhattacharyya, J.)