

25. 17.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 5812 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **27/08/2021** in connection with **Tehatta Police Station Case No. 385 of 2021** dated **29/07/2021** under Sections **354(c)/376/511** of the Indian Penal Code read with Sections **12/18** of the POCSO Act.

And

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

...petitioner.

Mr. Manas Kumar Das,
Mr. Asraf Mondal

...for the petitioner.

Mr. Rana Mukherjee, Ld. A.P.P.,
Mrs. Sujata Das,
Mr. Suman Saha

...for the State.

Leave is granted to the petitioner's learned Advocate-on-Record to correct the Sections mentioned in the cause title and prayer of this petition.

Supplementary affidavit filed in Court today be kept with the record.

The petitioner says that he has been falsely implicated. The victim's mother is a domestic help working in the petitioner's household. The victim, aged more than 17 years, used to visit the petitioner's house with her mother. The allegation is that when the victim girl went to use the petitioner's washroom, the petitioner took her photographs. The allegation also is that the petitioner attempted to ravish her.

The petitioner says that the victim and her mother demanded money from the petitioner. Upon the petitioner's

refusal to accede to such illegal demand, this false complaint was filed.

We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. There is absolutely nothing in such statement. In fact, the girl says that nothing was done to her. The victim girl also refused to undergo medical examination.

In view of the aforesaid, although charge-sheet is yet to be filed, we are of the view that the petitioner's prayer for anticipatory bail may be allowed so long as the petitioner co-operates with the Investigation.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Kashinath 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 the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application being C.R.M. 5812 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.)