

08.12.2021
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allowed

**CRM 5853 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 72 of 2021 dated 20.01.2021 under Sections 376/417/420/506 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re : Rifaij Mondal @ Refiet Ahmmed petitioner

Mr. Jisan Iqubal Hossain

.....for the petitioner

Mr. Tanmay Kumar Ghosh
Mr. Arabinda Manna

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 181 days.

Learned Counsel appearing for the State submits that the petitioner is a conspirator with the principal accused who had ravished the victim on the false promise of giving employment. Money was paid to the petitioner by the victim.

We have considered the materials on record. Petitioner is not the principal accused. Extent of his complicity requires to be assessed in the course of trial.

In view of facts and circumstances of the case and the period of detention already suffered by the petitioner i.e. 181 days and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand

Only) 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, Berhampore, Murshidabad, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)