

22.11.2021
Ct No. 28
D/L 27
ab/rrc

C.R.M. 7479 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Namkhana Police Station Case No. 94 of 2021 dated 13.06.2021 under Sections 363/365 of the Indian Penal Code and adding Section 6 of the POCSO Act.

In Re: **Pradip Mondal**

... petitioner

Mr. Uttam Kumar Pradhan

... for the petitioner

Ms. Zareen N. Khan

Mr. Ashok Das

.... for the State

The learned Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Namkhana Police Station Case No. 94 of 2021 dated 13.06.2021 under Sections 363/365 of the Indian Penal Code and adding Section 6 of the POCSO Act.

Learned Lawyer for the petitioner submits that there was a love affair between the petitioner and the victim girl. The marriage between the petitioner and the victim girl has already been solemnized. Under such circumstances, learned

Lawyer for the petitioner submits that the petitioner may be enlarged on bail.

Learned lawyer appearing for the State opposes the prayer for bail.

We have perused the materials on record including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. As we find, there was a love affair between the petitioner and the victim girl and the victim girl has been married to the petitioner. The statement of the victim girl does not disclose any act of the petitioner attributable to the commission of offence under Section 6 of the POCSO Act.

Having heard the learned Counsels for the parties and considering all the attending circumstances and the statement of the victim girl, we think that there is no justification to keep the petitioner in custody further. Therefore, the prayer for bail is allowed.

Accordingly, 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 Additional Sessions Judge, 1st Court and Special Court under POCSO Act, Kakdwip, South 24 Parganas subject to the conditions that the petitioner shall attend the trial Court on each and every date of hearing of the case unless prevented by sufficient cause and in the event of his failure on any date without justifiable cause, the trial Court would

be at liberty to cancel the bail without any further reference to this Court.

The application for bail being **C.R.M. 7479 of 2021** is, **allowed.**

(Harish Tandon, J.)

(Rabindranath Samanta, J.)