

16.03.2022

Item no119
Court No.32
Avijit Mitra

C.R.M.(DB) No.136 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Chakdaha Police Station Case No.171 of 2018 dated 04th June, 2018 under Sections 376(2)(i) of the Indian Penal Code read with Section 4 of POCSO Act, 2012;

And

In Re : Soumya Mondal

.... petitioner

Mr. Debarshi Brahma

....for the petitioner

Mr. S.G. Mukherjee, Ld.P.P.,

Mr. Partha Pratim Das,

Ms. Manasi Roy

..... for the State

Mr. Brahma, learned advocate appearing for the Petitioner submitted that the victim as well as her mother has already been examined. The present petitioner is in custody for about 1350 days. He also invited our attention to a mass complaint lodged against the *de facto* complainant alleging misconduct on their part with the present petitioner. Further custodial detention is not necessary since the victim and her mother namely, the principal witnesses have already been examined and as such, the petitioner may be granted bail on any stringent condition.

Mr. Das, the learned advocate appearing for the State submitted that the trial is in progress and the principal witnesses have already been examined. However, he opposed the bail on ground that the allegation is very serious and deposition of the witnesses are incriminatory against the petitioner.

We have heard the rival submissions of the parties. Perused the case diary and materials on record. The victim girl as well as her mother have already been examined. Since trial is pending, it is not appropriate to make any comment on the oral testimony of the witnesses. However, we do not find further custodial detention after languishing in jail for about 1350 days, is necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Soumya Mondal**, shall be released on bail upon furnishing a bond of Rs.20,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Special Judge under POCSO Act, Kalyani, Nadia with a further condition that the petitioner shall not enter the jurisdiction of Chakdaha Police Station until further orders. He shall also intimate the address where he would be residing, to the Officer-in-Charge, Chakdaha Station immediately and he shall not leave the district Nadia without prior permission of the learned Trial Court.

The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

Accordingly, the application for bail, being CRM (DB) No.136 of 2022, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)