

07.02.2022
Serial no. 58
Aloke
Ct. No. 29

(Through Vide Conference)

CRM (DB) 347 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 02.02.2022 in connection with Dhantala P.S. Case No. 484 of 2020 dated 17.11.2020 under Sections 448/323/506/34 of the Indian Penal Code and Section 10 of the POCSO Act.

-And-

In the matter of: Manoj Mondal

... ..Petitioner

Ms. Sananda Bhattacharyya, Advocate

... .. For the Petitioner

Mr. Bidyut Kr. Roy, Advocate

Ms. Rita Datta, Advocate

... .. For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner filed a petition for anticipatory bail in CRM 4340 of 2021 in which an order dated December 13, 2021 was passed. By such order, direction was issued not to arrest the petitioner for a period of two weeks after the winter vacation or until further orders whichever is earlier. She submits that the petitioner was subsequently arrested. She relies upon photocopy of the certificate of registration of marriage between the petitioner and the de facto complainant. She contends that the victim is an adult. Her date of birth is May 7, 2003.

Learned Advocate appearing for the State relies upon the contents in the case diary.

Considering the certificate of registration of marriage between the victim and the petitioner herein and considering the earlier order of the Division Bench passed in CRM 4340 of 2021 requiring the police not to arrest the petitioner and considering the period of detention of the petitioner, and the

age of the victim 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 Additional District & Sessions Judge, Special Court under POCSO, Ranaghat, Nadia, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 347 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)